Board of Garfield County Commissioner Minutes 2006

JANUARY 3, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting began at 8:00 a.m. on Tuesday, January 3, 2006 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

- ***Ambulance Licensing 2006 – Dale Hancock***

Dale submitted the Carbondale and Rural Fire Protection District, Grand Valley Fire Protection District and West Care Ambulance (formerly Silt and New Castle Services) for the Chair's signature.

The Rifle Fire Protection District and the City of Glenwood Springs completed applications have not been received and Dale requested the current ambulance licenses be extended and remain valid until January 31, 2006.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Ambulance Licenses for Carbondale and Rural Fire Protection District, Grand Valley Fire Protection District and West Care Ambulance and that the current licenses for the Rifle Fire Protection District and the City of Glenwood Springs be extended until January 31, 2006 and that the Chair be authorized to sign when Dale receives these.

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

Dale reported that on the Ambulance Licensing process it will be materially different next year because the new regulations will apply and it will entail more due diligence on the part of the inspectors as well some additional financial burden on the service providers.

Chairman Martin – we need to put a Resolution in place in reference to our obligations and review.

Northwest RETAC

Dale thinks the only thing in the immediate future is the review of the NORTHWEST RETAC appointments and that will be current on those in the immediate future.

Commissioner McCown - The balance that normally has come back to the Counties is changing in 2006 as well - $75,000.

Dale said they split it between the two fiscal years this last go around and it may be reduced somewhat in 2006.

Commissioner McCown - $5,000.

This is under an unfunded mandate.

- ***Sheriff – Purchase one 12 person TransMax Prisoner Transport Vehicle – Lou Vallario***

Tim Arnett and Lou Vallario were present. Tim submitted the recommended board action which is to purchase one 2006 Ford F350 Prisoner Van from ATD-American CO. at a cost of $47,142.60. The Sheriff's Prisoner Van is due for replacement in 2006. After discussing the best method to procure a replacement van for 2006, staff decided that if we procure a van that is already designed for the purpose of transporting prisoners it would save both money and the liability of purchasing something that really isn't made to do the job safely. The complete description of the Prisoner Van was submitted with the request.

Commissioner McCown suggested a smaller county might be interested in purchasing this. Lou stated they had thought it could be used at the Landfill as they carry prisoners from Rifle Correctional Facility.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the purchase one 2006 Ford F350 Prisoner Van from ATD-American CO. at a cost of $47,142.60.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Environmental – Renewal of Ambient Air Screening Study – Jim Rada***

Tim Arnett and Jim Rada were present.

Tim presented the renewal of the Ambient Air Screening Study and recommended Board action to renew this contract for 2006 for the amended price of $116,893.96.

Jim explained that Task 1, Task 2 and Task 3 for $84,944.28, which is already complete and was paid for in 2005. The Scope of Work for 2006 has been amended.

Jim asked CMC to look at the original scope of services and amend those to fit what exactly was occurring in the field. The new projects costs will be an increase for 2006 of $43,711.26.

Commissioner Houpt had some concerns about the location of the monitoring sites. Jim agreed but will have to look into this further. Also, samples of the Barrett location had been taken. Chipperfield Lane in particular. Jim said they are trying to minimize the expense, get the community involved to take samples and it will take a little more time to educate the people on how easy it is to do the chemistry. A mobile station is not included in this funding, but Jim thinks it is critical to get to the bottom of these smell issues and particulate matter. A report for 2005 will be presented next month to the BOCC. It will be a preliminary report.

Commissioner McCown voiced his concerns that this has gone over the budgeted amount and his concern is that the results will be held in abeyance until more money is paid. 9-29-00 - These types of contracts need to be monitored. We shouldn't have to be held hostage by these companies to obtain the final results.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the renewal of the Ambient Air Screening Study and recommended Board action to renew this contract for 2006 for the amended price of $116,893.96.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Maintenance – Renewal of Second floor Remodel – Garfield County Administration Building - Tim Arnett***

Tim Arnett presented. The 4th floor will be moving in on Friday. The second floor will be evacuated in the next several weeks and the remodel will be done. January 4, 2006 Building and Planning and the IT Department will begin moving into the remodeled fourth floor of the Administration Building. This will leave the second floor open and ready for re-model starting mid-January. The specifications include; remove existing door by the County Attorney's office and move it to the new wall in the old building and planning space. Widen the existing space where the door was removed; tear down present cubicles and remodel three cubicles per accounting specifications. The estimated cost of this remodel is $7,350.00.

Commissioner Houpt is not in agreement with the remodel of the first and second floors.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the remodel for a cost not to exceed $7,350.00.

In favor: Martin – aye; McCown – aye Opposed: Houpt - aye

- ***Maintenance – Heating and Cooling Maintenance for (8) Garfield County Buildings – Richard Alary***

Richard Alary and Tim Arnett presented the recommended board action which is to award purchase of services contract to Climate Control Company for the eight buildings belonging to the County for a not to exceed price of $52,968.00 for 2006. The buildings include: Glenwood Springs locations – Garfield County Courthouse, Garfield County Detention Center, County Administration, Mountain View Building and those in Rifle – Road and Bridge Department Administration Office and Mechanics Shop, Henry Building and the Human Services Building.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award purchase of services contract to Climate Control Company for the eight buildings belonging to the County for a not to exceed price of $52,968.00 for 2006.

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

- ***Boards – Replacement for Dick Hunt – River Conservation District***

Dick Hunt tendered his resignation to serve on the River Conservation District Board in late 2005.

Louis Meyer and Dick Stephenson submitted their name as replacements. Both are very well qualified. Open seat in the upper Colorado.

Commissioner McCown – both are volunteer position. Louis volunteered to serve on the round-table and would therefore recommend Dick Stephenson for the River Conservation District.

A motion was made by Commissioner McCown to appoint Dick Stephenson for the River Conservation District Board. In favor: Houpt – aye Martin – aye McCown – aye

COUNTY SHERIFF UPDATE – LOU VALLARIO

Lou Vallario, Lauren Guerra, and Joyce Voluntario were present.

- ***Children's Advocacy Center – aka – The River Bridge***

Lou submitted the proposal for the River Bridge saying it would provide a dedicated child-friendly center where the multidisciplinary team can respond to allegations of child abuse. The

Multidisciplinary team includes: The Department of Human Services, law enforcement, forensic interviewers, medical examiners and others involved in the protection of children. It would be a non-residential facility where the child has his or her needs during the investigation met in one place. The River Bridge ensures that child victims of physical and sexual abuse have access to support services in a safe, compassionate and culturally respectful environment. The program will also strive for social change by educating and raising awareness of the problem in our community.

The River Bridge will be developed as a not-for-profit 501© 3 with a governing board. The purpose of the governing board will be to secure funding for start-up capital and general operating expenses, program planning and evaluation, public relations and marketing. This is a concept in accordance with national guidelines developed by the National Children's Alliance (NCA), a notion-wide not-for-profit membership organization whose mission is to promote and support communities in providing a coordinated investigation and comprehensive response to victims of child abuse.

More than $14,000 has already been raised with donations from various Clubs and Organizations in the valley.

Lou submitted the flow chart. This is not to have staffing to advocate for children but where everyone can come together to meet and handle child abuse children.

A location near the Mountain View Building was previously discussed or even inside the building. Now is the time to obtain an answer to the question of commitment from the Board. There is support from the public and law enforcement. Valley View Hospital does the examinations on adults and they are supportive of the children's examination process.

Ed said they did some preliminary cost estimates and it would cost $120,000. $140,000 from the jail cops and has about $114,000 left. The $120,000 does not include the specialized equipment. Joyce spoke more about the $14,000 raised from the Rotary Club. The abuse crosses all economic barriers and all races of people. 9-48-00

The problem of Meth in the family has a huge impact on abuse of the children.

Lou said there would be different rooms for different agencies. The Mountain View Building is an ideal location as it close to Valley View as Grand River Hospital doesn't have a program.

Ed said the modular could be located at the south end of the parking lot. A priced was obtained on a Victoria style home with a porch.

Commissioner McCown inquired if they had approached the City. This would require going through the City of Glenwood's Planning Commission and the City Council to get approval.

Commissioner Houpt asked about the program. How an administrative assistant position is going to pull this off. It is possible to find someone to coordinate all of the functions.

Joyce said she was involved with Child USA and we need to start somewhere. She has friends and they hope to umbrella with these volunteers. Joyce has had experience is this type of position. Every year they will do benefits once or twice a year. People are very interested in helping. Once we have the facility it will be easier to accomplish their goal.

Lauren is hopeful of having a one stop center where the children feel comfortable and are not having to go the many programs. An executive director is something that may occur in the future. They would have a governing Board and the administrative assistant would manage the office.

Lou said these abuse/neglect cases come in through human services, law enforcement, or the hospitals and the fourth one would be the Child Advocacy Center.

Ed said staffing was discussed from the human services department incorporated into positions already in place.

Lauren said if the funds were raised for this position, it could be funded under the hospital.

Commissioner McCown wanted some level of confidence as to how it would be administered and the liability of the county once the building was in place – maintenance, personnel, or what?

Lou said they were not looking to government, rather a grass roots effort. The intent is to raise funds for rent, power, but personnel under some entity for insurance, etc. The County's offer for the building was more than they expected. The goal is to minimize the cost to the governmental entities. They did not want it to be dependent upon the government for the existence.

Commissioner McCown – the triangle at the top will be the make-up of the Board. If this entity should happen to mismanage or misdirect a case and Lynn has authority to review this, how will this be handled?

Lynn Renick – this is a concern. Under statutorily authority the department has to take the lead or law enforcement. This program has unique and hopeful great benefits with all the law enforcement as well as the City attorney's and County Attorney's have to be on board. It can be done and it will be an interested process to make sure the boundaries are very clear. The Board will need to make sure their role is fundraising and the investigation separate.

Lou – no change in how the abuse cases are handled, it will be a one-stop location. Clearly it is not like centers where their will be advocates this is to bring folks together for the best interest of the child.

Commissioner Houpt – final cost of the modular was considered.

Jesse said the estimate was on some specific measurements. A high-end price was given.

Ed said not specifically. The City might get involved in the power and utilities.

Commisisoner McCown having a full blown modular home located on this property.

Lauren – average of 250 cases per year that had to be investigated. They could be doing one or two examination cases per day.

Jesse – two examination and two administrative offices and a waiting area. About 1800 square feet.

Joyce – a safe place for custody cases in exchanging parents per court orders.

Lynn said one of the ideas in bringing the staff of the social services was to utilize the space on a more regularly basis.

Commissioner McCown – if Garfield County is staffing it as social services it will be administered by the County. The use changes.

Lou said it can be a multi-use facility but it doesn't have to be a county facility. If you look at Youth Services where their layout, it would be a three bedroom facility. It comes back to the Commissioners and how they want to use the space. A meeting with all of the municipalities where there was attendance and the support was generally coming from Pitkin and Eagle; Rio Blanco were contacted and the facility would be there for them but they didn't have the numbers that Garfield County has with abuse/neglect cases.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to support he River Bridge Program by providing a facility for the program and have staff work directly with the Board to come up with a facility in an amount not to exceed $150,000 and bring utility prices in mind, we only have preliminary prices. This only covers the physical facility.

Chairman Martin feels certain the other municipalities will be on board.

Ed - $1.5 million in the capital. The $100,000 was put into the capital funds and the Board stated they would want this $150,000 to come out of capital.

Chairman Martin – all the municipalities will have to work together.

In favor: Houpt - aye Martin - aye McCown - aye

Commissioner Houpt volunteered to get the rocking chairs.

Next step is to get the modular to the architects with the input from the River Bridge in order to get a fixed cost.

Colorado River District – Dick Hunt Recognized for Service

Dick Hunt was congratulated for his service on the Colorado River District for his nine years of service.

Dick Hunt said the water situation gets more complicated.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice – Statue of URS Contract, Mineral Leasing, included is a meeting Don's been invited to with Club 20 and authority possibly needed to act.

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 requested authorization of the Board to allow the County Attorney's office to retain Steve Carter to represent the Board of Adjustment in matters that are coming before that Board on Monday.

Commissioner Houpt – so moved; Commissioner McCown – seconded.

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

Corporation – discussion and appointment of replacement members' directors for the Garfield County Building Corporation – Ed Weiss

Dale Hancock and Ed Weiss were present.

Don – there are two vacancies – John Cooper is living out of the County and is not a lawful member and Fritz Lundin passed away. The Garfield County Building Corporation at least needs to be brought up to a quorum so they can take action; there is action required this week actually under the direction of your legal advisors on the Bond Issue, not later than January 5, 2006. So the Board needs to be formed quickly and take action quickly.

Under those conditions Commissioner McCown and seconded by Commissioner Houpt to appoint Dale Hancock to the Garfield County Building Corporation Board.

Chairman Martin – then at this point Ed and Dale will get together, decide what they're going to do in reference to their other members and get back to this Board. This will give them a quorum, they'll be able to make their decisions and then they can send a report back to us and we can make sure everything is up to snuff.

Don – before you act on that, I should just to make a quick public record on this; we've been advised again by Bond Counsel that there is no prohibition on appointing a County employee to be a member of the Board so your actions are within your direction.

Chairman Martin – Dale may remain or he may do himself in.

Commissioner McCown clarified that this Board (Garfield County Building Corporation) can take applications for that Board and can appoint who they see fit, so it may be a situation where Mr. Hancock would step down at a later date and two Board members be appointed.

In favor: Houpt - aye Martin - aye McCown – aye

Don asked the Board (County Building Corporation) as currently constituted to contact Matt Dalton as soon as possible; he's your legal advisor for the Board.

Chairman Martin – and Mr. Dalton had been appointed to this Corporation as legal advisor prior to today, so refer to him and send us the bill.

- ***DOLA – Discussion/Approval of Grant Contract with DOLA Re: Construction of Portion of CR 331 (Dry Hollow Road)***

Don DeFord and Jeff Nelson were present.

Don submitted a Memo to the Board explaining that he had reviewed the proposed grant contract between DOLA and the BOCC. This is a reimbursement contract for the entire amount of the project except for the initial $150,000 payment. The contract must be completed prior to the end of 2006 and accomplished through a formal public bidding process.

Jeff explained the work to be done on the road where an accident occurred on Dry Hollow Road.

Ed said they included a couple million on another project and will going to DOLA for matching funds.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the CR 331, Dry Hollow Road DOLA grant.

In favor: Houpt – aye Martin - aye McCown - aye

COMMISSIONER REPORT

Commissioner Houpt – Meeting on Wednesday with a property owner who is concerned about some odor issues on an evaporation pit and we'll take a tour; Energy Advisory Board meeting is on Thursday in Rifle and an I-70 Coalition meeting on Friday.

Commissioner McCown – Went to Denver on the 21st of December with a meeting on Federal Mineral Leasing and will be going back on Thursday on a Sub-committee on the same issue – meeting is at CML from 12:00 p.m. – 3:30 p.m. to discuss the reporting procedures on what constitutes employees and how they'd be reported.

Chairman Martin – Jesse did some on-ground investigation during the week on some fires in reference to oil and gas.

Jesse, acting Oil and Gas Liaison, reported that COGGC ordered Barrett to remove all of the petroleum particulates from 9 different pits connected with drilling operations. The EPA issued burn permits to Barrett to burn the 9 pits in order to get rid of the particulates. Jesse attended those burns and was on site as well as Jim Rada on Friday – there were two burns off of Dry Hollow Road on Friday and two more burns on Saturday. The EPA when they gave the burn permits had some very tight conditions connected to those as it associated to weather. Correction it was CDPHE. The weather conditions were perfect both Friday and Saturday, very light wind from the correct direction to put smoke in a pattern that would not put it directly over a residence. The burns on Friday were both heavy burns, the smoke went straight up for probably 1,000 + feet and disbursed rapidly to the southeast with some disbursed to the west. On Saturday Jesse was present for both burns; the burn on Saturday morning was at a pit that had no well activity at all. No wells in place. A pad that had been constructed, a pit that had been constructed that they were supposed to be seasoning it; it was obvious there was far more particulate in that pit than just seasoning and Jesse contacted with Larry the COGGC Jamie, and Jamie went after the burn and examined the pit and he did site Barrett for dumping into that pit. Barrett representative on site who had been in the business for 33 years did make a comment that in the 33 years that was the biggest and hottest fire he'd ever observed. Again the smoke went straight up and it about 500 yards from a house but it did not go anywhere towards that house. Jesse was standing 75 to 100 yards away from the pit, the temperature probably went from 20 degrees to 90 degrees pretty quick but there was nothing threatening about it at all because there were no structures close to the pit. The afternoon burn was closer to houses, it was off Dry Hollow Road south of Chipperfield Road and there 3 pits involved in that burn, much smaller pits; two of those pits were extremely difficult to light, they had to pour a gallon of Coleman lighter fluid on the surface to even get the pits to start. The center pit had more particulate on it and burned for about 20 minutes and again the prevailing wind was coming out of the southwest and the smoke went up 1000 feet and disbursed rapidly to the southeast and to the west. There was absolutely no explosion, the burns start very slowly until it reaches up to a temperature at which then the particulates begin to burn and then you get a faster rush of smoke. The only sound associated with these burns was water boiling beneath the burn – you could hear the water sizzling and the air current. The fires create a tornado vortex that you see the flames swirling and they go straight up but the fires did not settle over any ground areas at all and the smoke disbursed rapidly. There were reports of a massive explosion and Jesse was 50 yards from the pit that was pictured in the paper that they represented and it never even got to a temperature that anybody had to back up because it was such a small burn compared to the burns on Friday.

Commissioner Houpt – didn't hear about the massive explosion but she did hear from a lot of people over whether it made sense to even burn that type of material and understands the CDPHE did pull the permit so they will not be burning any more.

Jesse – they had quite a few complaints and the burn permits were pulled for the remaining five fires. Part of the reason is that the Barrett representative himself decided that there was one pit that was too close to proximity to Chipperfield Road and some houses and the fact that they had a lot of frac tanks around that pit that he did not feel burning was safe. They will skim this pit rather than burn it and then the CDOHE suggested they skim all of them and pulled the burn permits.

CONSENT AGENDA

a) Approve Bills
b) Wire Transfers
c) Inter-fund Transfers
d) Changes to Prior Warrant Lists
e) Hunt, Doris M. Family Trust - Authorize the Chairman to sign the Resolution for approval of a Special Use Permit for a Two-Family Dwelling – Fred Jarman
f) Balcomb, Lisa and Mark – Authorize the Chairman to sign the Resolution for approval of a Conditional Use Permit for an Aircraft Landing Strip – Fred Jarman
g) Travelers Highlands Subdivision – authorize the Chair to sign the Amended Final Plat for Lots 7 & 18, Block 11 - Richard Wheeler
h) Fairways to Aspen Glen – authorize the Chair to sign the Amended Final Plat for Lot 13 – Richard Wheeler

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – h with removal of Item b.
In favor: Houpt – aye Martin - aye McCown - aye

Executive Session - ***Mineral impact funds and involving Club 20 and appointment to the Board of Adjustment, Execute a letter and status of the URS contract.***

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.

REGULAR AGENDA
PUBLIC MEETINGS:

2006 voting proxies for CCI – Chip Taylor

Lynn Renick does the CCI for Social Services
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Director of Social Services to be the official proxy for CCI for Social Services in the absence of a Commissioner.
In favor: Houpt – aye Martin – aye McCown - aye

Building & Planning – Referral to Planning Commission – Williams Production Compressor Facility – Special Use Permit for Phase 3 – located at 4289 CR 215. Applicant's representative is PVCMI – Richard Wheeler

Eric Miller with Williams Production RMT Company the plant manager for the Parachute Gas Plant; Tom Pretoria, Williams Production RMT Company a staff engineer/project manager; Phillip Vaughan with PVCMI, and Richard Wheeler were present.
Richard Wheeler presented the background of the request saying the Building and Planning Department received a SUP application for "Storage, Processing, and Material Handling of a Natural Resource" to allow Phase Three of the Williams Production RMT Parachute Creek Gas Plant on a 1333 acre parcel owned by Williams RMT, CO. The property is located at 4289 County Road 215 approximately 4.3 miles north of Parachute on CR 215. This is the third phase of Williams Parachute Gas Plant. The commissioners originally approved Phase One in 2002 and Phase Two in 2004. The applicant is proposing seven new compressors for Phase Three to allow a total capacity of 800,000,000 cubic feet of natural gas per day. The current capacity is 300,000,000.
Staff Recommendation:
Due to the nature of the surrounding uses, the relative distance from the Town of Parachute, the communities and Commissioners' awareness of the Plant, staff is recommending the Board does not refer this item to the Planning Commission.
Commissioner Houpt asked about the 7 compressors in with this SUP. She thought this would benefit to have this go before the Planning Commission.
Richard stated the compressors would be inside engineered buildings and a 13000 acre parcel and the sound mitigation is 25 feet beyond the property line. They also had to do significant road improvements.
Jesse clarified that there were phases for these compressors.
Phil said they are not doubling the traffic and there were two phases for the compressors. There will be 15 more employees and less impact on traffic than was included in the staff report.
Commissioner Houpt clarified it stated not quite doubling but an addition of staff is very close to doubling. More facilities are being added to it and with that added impacts. It's important to go through the entire planning process. She would support sending this to the planning commission.
Commissioner McCown – we have heard phases I and II and the impact Commissioner Houpt alluded to and the noise standards changed by the State regulations and the applicants would have to
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to schedule this hearing directly to the Board.
Commissioner Houpt – when projects are very large it is important to go thought the entire planning process.
Commissioner McCown a hearing in front of the County Commissioners does not except the residences from the hearing process and this Board is completely capable of hearing this.
Chairman Martin – complete review by the Planning Staff; the other departments have provided their input and the Board is capable of hearing this directly.

In favor: Martin – aye McCown – aye Opposed: Houpt - aye

PUBLIC MEETINGS:

LIQUOR LICENSE – COLUMBINE HOME HEALTH, INC. – SPECIAL EVENT – MILDRED ALSDORF

Mildred Alsdorf presented the special events license. They're going to hold the event at CRMS and have permission to hold this. It will include a dinner, silent auction and want to have a bar for those who want to order a drink. There will be enough security to provide protection against the youth being served alcohol. January 20, 2006 is the date for the event.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the special event for Columbine Home Health, Inc for a fund raising on January 20, 2006.

In favor: Houpt – aye Martin - aye McCown - aye

ABATEMENT – ORDONEX, RAUL A. AND BRADLEY, RICHARD G. – SHANNON HURST

Shannon Hurst presented the two abatements.

Schedule No. M004052 for tax year 2005 to Richard G. Bradley c/o Laura Hobart for $16.40. They moved to the mobile home to the Garfield County Landfill.

Commissioner McCown made a motion to approve Schedule No. M004052 for tax year 2005 to Richard G. Bradley c/o Laura Hobart for $16.40. Commissioner Houpt seconded.

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

Schedule No. M006612 for tax year 2003 to Raul A. Ordonez for $271.22.

Manufactured home moved out in 2003 and records weren't changed.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve Schedule No. M006612 for tax year 2003 to Raul A. Ordonez for $271.22.

In favor: Houpt - aye Martin - aye McCown - aye

Clerk & Recorder - New Website – Grantee/Grantor for the Clerk & Recorder and Property Location for the Assessor

It is up today and it's very exciting. If you go into any of the query portions, you have to pay $35 a month or $300 a year. Employees will be exempt but everybody else will be charged.

Mildred stated that the Clerk has information also but no images, only Grantee/Grantor. There needs to be a way the public can pay for the images and that has yet to be completed. She informed the Board that the updates will be made after proofing has been done.

Shannon Hurst added that she put a separate line item in the budget so we can see exactly how much revenue we're getting from the website.

GIS Data - Letter dated 12-22-2005 to Larry Kallenberger

This is regarding GIS Data accumulation.

Commissioner McCown asked if there's some legal issues with this and thinks this is something that the Board is involved. Rob should attend this. This is a very important facet anymore.

Don will look into this.

Lease sites for the Federal lease sites and are noted on their websites.

Oil and gas well sites are overlaid on the County's GIS website showing where the leases are and which parcels are on the land.

Chairman Martin added that there is a lot of information provided by the Department of Local Affairs in reference to one and two meter resolution of the entire County which Rob has downloaded as well as the surrounding areas – that information is there and Rob has been on the phone many times to the DOLA and Colorado Geological Survey on many issues and he will see if Rob is part of the working group already. Marian Smith and Rob have both been involved with the Geological Survey for many years.

URS - Hydrogeological Study

Jesse Smith reported on information from Mark of URS. The email Don received was from Dr. Thyne; Mark said that he left Dr. Thyne a voice mail and Dr. Thyne apparently transferred to an email to Don and that what their suggestion was based on a conservation with Debbie Baldwin, in which they indicated that merging the data was more complicated they originally anticipated and thus was going to take more time. Debbie recommended the 16th as the date for the rough draft and Mark indicated he will have that rough draft to us this week. Jesse also discussed the concerns about the distribution of that rough draft and he has agreed the distribution will be limited to Dr. Thyne, Debbie Baldwin and to the County and that it will then progress to a final report and that final report will be issued to everybody for public comment but not a draft report.

ADJOURNMENT

Attest: Chairman of the Board

_____ _____

JANUARY 9, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

Board of Garfield County Commissioner Minutes 2006

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 9, 2006, 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

March 6, 2006 – Meeting of the Board of County Commissioners – same time as the NACO meeting and both John and Tresi will be gone. The meeting will be rescheduled.

COUNTY MANAGER UPDATE – ED GREEN

- ✓ ***Airport – Repair Two T-Hangers – Oberholtzer Family – Request for additional time - Skip Hutton***

Skip Hutton and Brian Condie were present. The repairs to the T-Hangars at the Garfield County Airport are well underway. The interiors of all 10 hangars and the storage units have been power washed. Mays Concrete of Grand Junction has begun the concrete repairs. Inclement weather and cold temperatures have delayed that process considerably. However, it is unlikely that the concrete repairs will be completed before the County's deadline of the 90 days given to them on October 3, 2005. Therefore, Skip requested a 60-day extension on the deadline to complete the repairs.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to grant the 60 days in order to complete the repairs.

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

- ✓ ***County Corporation – COPS Refinancing Update – Dan O'Connell with Dain Rauscher***

Ed said the time right last week and the refinancing went through. There was a savings of $780,000 but the real dollars over the life of the refinancing is about $1.6 million.

Dan O'Connell with Dain Rauscher was present.

Dan O'Connell stated that Sherman and Howard, the bond counsel, will send the paperwork for the signatures for both Ed Weiss and Dale Hancock on the documents. That will be on its way and that will probably be on its way the mid this week and most of that will be signatures from Dale and Ed Weiss as well. Today Dan will show you what we did.

Dan reviewed all the pages and numbers on the bond issue and its $9,685,000 and that was the portion of the call of the bond. We have a common reserve which is a good thing. We don't have to have two separate reserves funds – one for the refunding issue and one for the outstanding 1990 issue. Uses of funds are our fee the $62,000 and that's .65% of the issue, cost of issuance is $84,942; we basically cut the bond insurance premium in half almost because were able to get higher ratings that they previous issue. We were able to get an A rating from Mooney's as well as Standard and Poor's which was great because initially on the bond insurance premium we quoted somewhere north of $100,000 so we were able to get that down quite a bit. It was either 93 basis points of a fee if we were only able to get one A rating and we were able to get two and cut it to fifty-three. So we saved plenty of money there. Again, the deposits to the debt service fund, that's coming out of the old issue and into the new and the deposits in that cash escrow fund, what that is simply what goes into a new issue to refund the old issue. So that's sits in escrow until call date of 2009 and then that will refund. I broke down the cost of issuance we don't have to go through that line by line, if there's anything specifically you want to point out there, but this is bond and disclosure counsel and that's Sherman and Howard's' fee, title insurance, escrow verification, filing fees, the rating fees for Standards and Poor's, the POS&OS printing, that was the huge document that Dale and Ed worked and Dale and Ed worked so diligently on for the last month and a half. Mostly Dale and Patsy as well. Etc. Miscellaneous fees of $4837 essentially travel fees and that comes back to you in the long run is any fees to pay Don what his fee will be. Debt service comparison, this is the important page here – this shows you the savings. You see the new debt service, that's the third column over and compared to the old debt service you can see the annual savings and what we did was push the savings to the end because what we want to do it end this debt service, or shorten it as much as possible and that's been the goal of the county in general is to take advantage of some of those oil and gas windfall we have up front push those savings to the back so we can end the debt sooner rather than later.

Ed said that's the 1.6 million he talked about earlier to day.

Submittals were handed out and Dan O'Connell explained.

Dan - There are minimal savings until you get to 2023 and we're able to eliminate the 2024 payment of $978,000 and almost more than cut the 2023 payment in half from $978,500 to $405,990 so that's a gross savings over a million six, which is obviously very significant. Present value that and there has been some attempts at explaining present value savings and offered to do that again. What we do is put that money in today's dollars so a million six in 24 is not worth a million six today, so we present value that back with what's the average yield no the bonds with arbitrage and this brings it back to a level of $778,000. In their perimeters resolution we are at $600,000 minimum savings and the last time it was $630,000 so since then rates have gone down yet again and we're able to time it so it went from $630,000 to $778,000. This is an 8.797% savings. The final page is the pricing summary. And if you look at the coupon and yield that premium I was speaking of, you can see the coupon is a little higher that the yield and that gives you a purchase price of a little over a hundred. These rates compared to your old rates, you're looking at an average interest coupon of 3.94% compared to the old rates which were 5.3/4 so that's significant rate savings.

The last page a handout showing how tough it was and how volatile the market's been – a graph and you can see that we started this process the first time we showed this to the county was probably in March or late February and the rates were down to 4.27% then it shot straight up to 4.63% in April and then it came back down but last time it was at 4.63%. And so we were a little nervous. Luckily it's gone back down and we're able to time it so the price at about a 4.35% and that's where the savings comes from. There's been some questions as to whether or not you can contribute some money to possibly bring this debt service down even further, shorten the life of the bond issue further or the COP further and that's certainly doable and you can do that anytime after closing

date, so a good idea would be to wait till its callable and contribute the monies then and then shorted the debt service even more.

Ed said we have about 2.1 million that's callable in 2009?

Dan – a little over 2.1 callable in 09 and that might be a good idea, there's also that 2001 COP issue that in the future we may be able to refund as well.

Commissioner McCown – so that would be much like paying on the principle on a common loan.

Dan – exactly, you're just paying down the principle when you have the money, it's obviously a good idea to pay down the loan.

Commissioner McCown – shortens it on the backside significantly.

Ed – that is really good timing as we'll be through the Airport Project through the Joint Police Court Facility Project and will probably have funds to contribute.

Commissioner McCown – personally think we need to start setting aside funds for this purpose. Eliminating part of our debt that we as board created for our future commissioners is part of our obligation and for one would like to see us start setting aside funds in the capital to pay this down as the opportunity arrives.

Dan - and that actually, when we talked with Moody's and Standard and Poor's, which are the rating services, one of their concerns has been oil and gas obviously just a volatile as these rates are and they actually suggested that might be a good idea to set aside a kind of rainy day fund if you will just to level it out a little bit and when that fund is set aside then therefore at the end of the issue you can pay it off. That was a suggestion they had.

Commissioner Houpt – are there any downside to paying it off at a certain rate.

Dan – no. You're paying it off and you're not paying any penalty to pay if off as long as it's done after 2009 call date – you're just essentially paying it off in cash. It's like paying off your mortgage.

Commissioner Houpt – it would be interested to see what kind of analysis you could come up with to put some type of savings schedule together so that we could build us some money to pay it down.

Chairman Martin – goes back to that energy mitigation that we talked about and just didn't do it in our budget process.

Ed – not this time. We talked to Mooney's about that and they're really in agreement with the approach we've taken over the last few years to first off build fund balance in all of our funds and develop a strong financial profile for the organization but now it's time to create it.

Commissioner McCown – just like the building we just finished building in Rifle and any future buildings we go into we plan to have the capital funds available so that we're not creating any more indebtedness. We're paying cash for everything as we go now.

Dan – if you can do that, that's obviously the way to go. There are not too many counties that are allowed to do that.

Ed said they are pleased with the way the County has been building the capital funds.

Commissioner McCown would like to create a saving for future buildings. The only reason they borrowed money was because everything hit at once. We were required to build the jail.

Don – Dan, early on you mentioned there maybe some documents coming in for the Board to sign.

Dan – Chairman Martin and Ed Weiss will need to sign as the head of the corporation and Kim will be sending that FedEx to the attention of Ed or Dale.

Commissioner McCown – we've already authorized John to sign all the closing documents.

Don requested the record show the fact that Chairman Martin has already been authorized to sign the closing documents.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice Two personnel items one in litigation; plan and zone issue potential litigation; OGCC matter in the moratorium and on-going litigation with OGCC – Sheriff – needs to be present on one of the personnel issues and Fred for the plan and zone issue.

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

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

Action Taken:

EnCana – Permits to Drill in the Moratorium Area

Don said we have a motion for an order by EnCana Inc. to lift the moratorium in the Divide Creek area and permit issuance of permits to drill in that area. Don requested direction from the Board as to whether they wish to intervene in that action at that time.

A motion was made by Commissioner Houpt that we authorize the attorney to intervene in this case. Commissioner McCown seconded the motion.

Don clarified that he will ask the matter be continued from its currently set for February matter to the March hearings that are scheduled to be conducted in Rifle and the basis for that would be to allow participation by the public and also allow evaluation of the hydrological study that should be completed by the March hearings but not prior to the February hearings to see what information that study renders that might be useful in this application.

Commissioner McCown asked Don if he would be able to get his intervention in as he understood from Trish Beaver that Wednesday is the drop dead date for scheduling.

Don – the normal method that we do that we have a document that can be generated pretty quickly. It will be filed electronically on Tuesday. Before Don will file it he will talk with Eric Inger for EnCana and also speak to Brain and Trish Beaver so they are aware of it coming.

Commissioner McCown – it could simply be posted on the March date.

Don agreed – it could be set for the March date prior to his filing anything.

In favor: Houpt – aye Martin – aye McCown - aye

Action Taken:

Request for reconsideration on the imposition of the noise rule by COGCC

This intervention was requested by COGO – Don asked if the Board wants him to file anything on behalf of the BOCC regarding COGO's request.

Commissioner Houpt served on the committee that helps draft this rule and in full support of the regulation that the COGCC adopted; she understands that there's no dispute on this commission that there wouldn't be support from this commission adopted. She wants that message to be out there, if it comes to a point where it becomes obvious that this Board should be involved, she would support being involved with that but if we can make a public statement that we support the COGCC on the regulation that they've brought forward, that would be sufficient for her.

Commissioner McCown – sees it as a regulatory entity attempting to enforce and place a regulation in place and the industry they're regulating is questioning it, so I see we have no position in it. It's a State entity that controls the industry. This doesn't go into effect until the year 2007 so it's untried at best. We have plenty of time to discuss this issue.

Commissioner Houpt – but I do think that impacts our constituents and we are a stakeholder in the discussion and that's why she hopes this Board can publicly come out and support keeping the decibels levels where they've been established by the COGCC.

Chairman Martin – we may have that opportunity to address it full fledged if they change the recommendation or change the adoption of it. Again, it's not an immediate remedy, it's a 2007 enforcement issue and this is part of the process and we would have the same opportunity if we felt it was not strong enough we could then petition to make it stronger as these folks feel its too strong, they're using the process to say, can you reconsider. We need to wait and see.

Commissioner Houpt asked the other Commissioners, as her being a committee member she will be talking with the staff person at the COGCC who worked with us and is it my understanding that you support this regulation or should she just be speaking on behalf of her own position as a committee member?

Chairman Martin – if it is an adopted regulation we should all support. We have the process to challenge those and if we disagreed with them then we would enter into a challenge, if not then we accept what is there and hope the enforcement will solve the problem, if not then we go back and discuss the issue and either make it stronger or lessen it, depending upon which side we are.

Commisisoner Houpt – so it would be accurate to say there's support from Garfield County on this regulation.

Chairman Martin – we support the rules and regulations of the Colorado Oil and Gas Commission based upon the committee's adoption of this rule and regulation as we have to always be as an enforcement agency ourselves.

COMMISSIONER REPORT

Commissioner Houpt – this week met with a landowner who is concerned about some activity by that is being done by Barrett and it was actually prompted by the recognition on the permits put forward for the fires. He just showed me a well site right next to him and I'm hopefully that Barrett has a good plan for cleaning up the work they're in the process of doing. It would benefit the landowner greatly and everyone else who's living around their work at this point. Attended the EAB on Thursday; I-70 Coalition Meeting on Friday; tonight RE2 is having a public meeting to start discussing a civics curriculum in Rifle they want to put together in Rifle; tomorrow is the CBCA meeting in Rifle; meeting with the Carbondale Chamber on Wednesday and a meeting with RTD on the I-70 issues on Friday.

Commissioner McCown – last week in Denver on Thursday with the Task force on the Federal Mineral Leasing; this Thursday, Associated Governments, Northwest Colorado at the Health and Human Services Building in Rifle 10:00 to 2:30 p.m. on Thursday.

Chairman Martin – Len Potter and he wishes the Board to consider a discussion of working with the Frontier Historical Society and John suggested a plan of action to start slow and easy in reference to our Historical photographs and our blank walls on our Courthouse and suggested we could start a partnership by selecting photographs placing them in the Courthouse, starting talking about this 8 years ago and hopefully we can get this project off the ground. He was very encouraged that we saved and worked with different organizations to save some school houses, some historical structures in Carbondale, log cabins, working with the Chamber of commerce in Carbondale to do so plus more. He would like to see Garfield County as a more out-front leader in preservation and hopefully we can do this partnership approach and work forward and they are willing to do that with us.

Commissioner Houpt – he would like to see us incorporate that in our planning process in order to make sure that's part of the discussion when developments come forward.

Chairman Martin - Judge Craven is interested in doing something on the 4th floor with the historical photographs. Ed stated that he and Linda are working on photographs in the Conference Rooms.

Chairman Martin would like to involve the other elected officials in the Courthouse and also Judge Craven was interested in doing something on the 4th floor.

Commissioner Houpt also wanted to do something like that in the Commissioners meeting room and to have some more historical photos would be great.

Chairman Martin stated there's another document that he's been using and Ed as well as Patsy supplying that to him from the accounting office and the controller and this is a brief one-page statement on accounts, the type of adopted budget, and the amendments to that, how many transactions taken place, what percentage of the budget item is left over, what percentage of the year is there and finds it very helpful in reviewing the budget on a monthly basis. The Board would like to see this. This way the Commissioners know what's going on with the budget and can relate true facts. The other one is explanation of items on the Sale Tax Report and clarifications on the percentages; how it comes about, etc. and perhaps we can get this from Georgia or Patsy in order to have a good idea of what we're really doing on revenues and how to explain it to the receivers or the general public. He also thanked the legal department and administration in responded to a "freedom of information act" on capital expenditures, etc. and our publication on why we're raising the taxes and putting the money into capital. We had a citizens group ask exactly why we're raising their taxes, etc.

Commissioner Houpt – thanked Road & Bridge, the Sheriff and State Patrol on the work yesterday on Four Mile Road as it's been like an ice rink. People stranded for hours trying to get down the mountain.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers - none
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Building & Planning – Teter, Doug and Beverly - Special Use Permit for Industrial Support Facility for their property.

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

REGULAR AGENDA

PUBLIC HEARING:

BUILDING AND PLANNING – TETER, DOUG AND BEVERLY – CONSIDER A ZONE DISTRICT AMENDMENT TO CHANGE THE CURRENT ZONING OF THE TETER PROPERTY LOCATED NORTHWEST OF THE RULISON INTERCHANGE FROM (RL) RECOURCE LANDS TO (CG) COMMERCIAL GENERAL. APPLICANTS: DOUG AND BEVERLY TETER

Richard Wheeler, Carolyn Dahlgren, Beverly and Doug Teter represented by Barbara Clifton, Attorney were present.

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 1-09-2006; Exhibit G - Application materials; Exhibit H – Staff's Power Point Presentation; and Exhibit I – Pictures submitted by the applicant.

Chairman Martin entered Exhibits A – I into the record.

Richard stated the property is 35-acres and the location is northwest of the Rulison I-70 Interchange. The request to change the Zone District is based on the applicant's desire to use the property in a way that would be more conductive to the surrounding activities in the area. Currently, there is a large metal building on the property that is part of the applicant's industrial support facility. Additional, there are several trucks, machinery, pipes, etc. being stored on the site. The applicants applied for a SUP in 2004 and Resolution 2004-48 was issued to the Teter's.

Planning Commissioner Recommendation and Suggested Findings:

On December 14, 2005 Planning Commission members voted unanimously to recommend denial of the application's request to the Board of County Commissioners, based on the following findings:

1. That all applicable regulations regarding a zone district amendment have not been complied with including, but not limited to Section 10.00 of the Garfield County Zoning Resolution of 1978, as amended.
2. That the conditions of the neighborhood have not changed to such a degree to support the requested zone change from Rl to CG.
3. That the request is not in conformance to the Comprehensive Plan.
4. That the existing zoning is not erroneous.
5. That the proposed rezoning from Rl to CG is not in the best interests of the public health, safety and welfare of citizens of Garfield County.
6. That the majority of the changes in the area are uses that are allowed in the existing RL Zone as a Special Use.

Oil and Gas Facilities are zoned by the State and not in accordance with the County land uses. A convenience store would be eligible for the CL zone and would be appropriate for a residential zone district.

Applicant: Barbara Clifton – asked if a more appropriate request for an amendment to the zone district to is CL versus CG.

Richard explained that this was not a fact, but a general statement. Commercial Limited is more restrictive than Commercial General.

Richard read from the Comprehensive Plan particularly 5.6 of the Comprehensive Plan – police power of the government. Land Use Code for CL and CG. The substantive issue is that the Board denies this request.

Barbara Clifton – the Naugle property is zoned CL. The neighborhood convenience store is closed.

Barbara – asked about spot zoning.

Carolyn – Commercial Limited is what's before the Board today.

Barbara asked the Teters how they came to apply for a commercial limited.

Doug Teter stated that Fred Jarman was on site with the Teters and this came up about the expanding of his operation.

Barbara submitted photos that were on the Naugle's property. This is a contractor's equipment storage. The Teter's have a SUP on the property. The other substantial change is the oil and gas development occurring from the West Rifle to the Rulison Interchange. Compressor stations, truck traffic in and out of there, etc... This is a substantial change. The designation for this land is no longer appropriate for residential agricultural. Look at the Comp Plan, other elements; this is where the county might want commercial. There is BLM land on the one side and other commercial properties and the area is separated and there would not be a great deal of impact on the County roads. A good place for commercial development.

Commissioner McCown asked what uses would you want to do you on this 35 acre parcel that isn't allow to occur through a SUP and what uses would you foresee by asking for a CG Zone District Amendment that a SUP and the current use in the application signed today that you asked for initially?

Barbara – The concerns and why this was initiated is what the Teters are having a significant growth in their business and what has occurred is that with a Special Use Permit every time they need to move the fence, expand the outdoor storage, build another building, they're in violation of their Special Use Permit and have to come back to the Board with the change. With Commercial Limited Zoning allows the Teters to do that without permission of the Board?

Commissioner McCown – apologized and hoped to have a new land use code to allow these types of fence changes to occur. The Teters might have to berm the 35 acre of land which isn't reasonable. The zoning change is critical and it would allow others to do the same. When the land use code rewrite occurs then the Building and Planning Department in their discretion could allow that.

Fred Jarman – in the direction of allowing those types of issues to be administrative review. They have worked with the Teters on some fencing issues. Fred commented on how the SUP permit was started. The fencing issues were before the Board and discussion on what could be allowed. Fred clarified that a zone change was not something that he guaranteed – professional planning staff do not give this type of information to an applicant.

Commissioner Houpt – a comment was made about the change in the culture of the area and what she's seeing and feeling across this County is the desire of many property owners to in the long term protect those zones because the industrial disturbance when a well is being drilled is quite different from the on-going service of a well. I would hate to see us look at the areas that are being drilled suddenly as industrial areas so they're deemed commercial because of them is still residential and will be after the company has moved on to a different area. As long as people are able to come back and ask for an amendment to a SUP I don't see a reason to make a change. Rezoning that area might leave this Board out of the loop and we wouldn't be in touch with what's going on industrially or commercially in that area.

Richard mentioned the conditions that the recommendation from the Planning Commission to deny the applicant's request for such a recommendation to the Board and that one point they brought out in the meeting is that the majority of changes in the areas are uses that area allowed in the RL zone as special uses and that directly relates to an area in the Comp Plan, 7.7 and this is an analysis of existing commercial and industrial zoning. Richard read this into the record.

Richard – one point that was made in the area is Special Uses 7.7 in the Zoning Code. The zone districts within the County are very permissive and give the County Board of Commissioners and Planning Commission and staff little if any discretionary authority in regard to specific proposed uses. This directly relates to some of the Planning Commission findings concerning the RL Zone and Special Uses in those zones. The Navel Oil Shale Reserve area is nearby so arguable they have been certain changes in the areas, some temporary and some permanent but a lot of times these are activities throughout all the zones districts and a change in the area, something substantially and directly affects that area specifically, but these changes are throughout all the County and all zone districts and the SUP does give the Resource Lands quite a bit to expand.

Commissioner McCown asked if the uses occurring on the Naugle property at this time approved uses under the neighborhood commercial, the CL.

Richard said the convenience store is no longer active and what we'd be looking at would be the storage they have of their like a contractor's mobile home and in the CL uses by right versus the conditional and special uses.

Commissioner McCown referenced those storage units are all used in the oil and gas industry.

Richard – what is in the CL Zone and would need a code enforcement officer involved should there be a violation noticed, it says that storage is a Special Use in the CL district.

Fred – the industrial storage in any zone district where it's allowed still has to be either within the building, screened, etc. you can't change your zoning thinking that I want have to do those kinds of performance standards, they still have to apply.

Beverly Teter asked how the Naugle property become commercial limited, what allowed them to do this.

Chairman Martin – by going through the same process as you are now.

Barbara asked what their reasons were.

Commissioner McCown – just exactly what closed, a feed store to serve the local community of agricultural use in the surrounding area so that they didn't have to go to Silt to get a bag of horse feed or a block of salt, he was going to supply that need to the local Rulison area.

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

A motion was made by Commissioner Houpt to deny the zoning request before the Board citing the same reasons as the Planning Commission and staff. Commissioner McCown seconded.

Chairman Martin noted these reasons were on page four of the staff report, paragraph 7, 1-6.

Commissioner McCown – the one most obvious argument to all of us is that the conditions in the surrounding areas have changed whether they're permanent or temporary facilities, those conditions have changed and what the Teters are asking is something that could be asked for could be asked in an amended SUP that would allow closer monitoring of the impacts, that's what I'm basing my vote on it but I clearly have to admit conditions in that end of the valley have changed and I will leave it up to the public to decide whether its for the better or not but circumstances have changed and as long as there is ongoing oil and gas activity there's going to be a need for these support facilities and clearly once that oil and gas activity goes away the need for these support facilities will go away and the need for any commercial zoning in that area.

Chairman Martin – that's possible but it may also change in to something else and commercial may be needed even more so in a different light. Also, I have driven by Teter's property numerous times and they have complied with everything that I have requested and it's a facility that's well used, maintained well, etc.

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

Vehicle Donation – Discussion – United Way

Ed stated that Ron Van Meter is now the Chairman of the Garfield County United Way and approached Ed last week and asked if it would be possible for us to donate one of the vehicles being dead-headed out of our fleet this

year to the United Way so that they can do their campaign in that vehicle. Also, asked if the county would consider donating one of our older computers that we no longer need for this same purpose to help with the operation of the United Way office.
Discussion:
For this type of request it would open the door for any non-profit to come and make the same request. Would that work to start donating the cars that we're retiring because we're setting some type of precedent?
Ed – this would be setting a precedent. We received some compensation, not full value, for some emergency vehicles in the past.
Carolyn – the County's Purchasing Code as amended clearly allows for the intergovernmental transfer; the only other arrangement whereby we have had County property go to a not-for-profit is with Healthy Beginnings where we have a contract and they are part of the Human Services Commission grant system. She expressed caution that you're Purchasing Code Provisions for the retirement of County stuff at this point and time does not countenance this.
Commissioner McCown voiced his concern again and this is the precedence, true that no one has asked for it but once it is asked for and done every human service entity in the County is going to lining up for surplus vehicles if nothing else but to take and sell them and raise funds. They do have an inordinate value whether we want to admit it or not. They could use them as a fund-raiser and this is not the intent of our tax dollars. I would say no.
Commissioner Houpt – we need to recognize that it would be an opportunity that would be open to everyone that came forward. She asked to see some numbers before she makes a decision on that.
Ed said in terms of value it is nominal in both cases; less than $2500 for the vehicle and less than $500 for the computer.
Chairman Martin – there was an arrangement that we allowed the use of that equipment still owned by Garfield County of specialized equipment, we transferred the use but not the ownership.
Carolyn stated yes sir but it's a different kind of arrangement.
Commissioner McCown – it's a different type of entity that provides a service to us.
Carolyn – this is within your granting system.
Commissioner Houpt asked Ed to put something together to see if we made all of those items available how that would impact us as a County and whether it makes sense fiscally for us to do that for donating.
Commissioner McCown – reiterated that we can't do that.
Carolyn – we have a constitutional issue, it's called gifts to private enterprise whether they're for profit or not for profit.
Commissioner Houpt – we've done that for a dollar in the past so it's all how you look at it – semantics.
Chairman Martin – it's a fine line and we're skirting that, if it goes up for auction, everybody is able to bid on it and turn around and make a profit on resale but that up to them. We have to stay out of that certain arena and it's not our function as government.

Code Enforcement Issue - Potentially

Commissioner McCown – in the photos given out in the last application, he would like those given to the Code Enforcement Officer. There were at least two violations that need to be addressed.
Fred said those are on Richard's radar screen now.
Commissioner McCown – one's been in place for approximately 7 years.
Richard – regarding the mobile home that they had started running some sewer lines to is gone and that was on the building inspector's, as well as the code compliant officer's radar but that is a storage facility and noticed that they were starting to clear a section of that land. After it was cleared these trailers started showing up so that's a code compliance issue and Richard will get with Ron Van Meter for investigation.
Commissioner McCown was referencing the one on the other side of the railroad tracks further down.
Chairman Martin there's a case that's being put together for Parachute.

BLM Oil Shale Programmatic EIS Meeting on January 18, 2005

Should Randy Russell go as well to see the presentation at the Fairgrounds – two sessions – 1- 4 and 7-10.
The new liaison oil and gas person would be appropriate to attend as well as Jesse and Randy. Club 20 is meeting and the legislative session starts and John and Tresi will be there and unable to attend. Larry will be out of state.

Mildred Alsdorf was presented a birthday cake – Congratulations.
Mildred will have her 35th Anniversary with the County on Wednesday, January 18, 2006.

ADJOURNMENT

Attest: Chairman of the Board

_____ _____

JANUARY 12, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The special meeting of the Board of County Commissioners began at 3:00 P.M. on Thursday, January 12, 2006 with Chairman John Martin and Commissioner Larry McCown present. Commissioner Houpt was via telephone. Also present were County Manager Ed Green, Operations Manager Dale Hancock, County Attorney Don DeFord and

Mildred Alsdorf Clerk & Recorder. Blake Jordon from Sherman and Howard was on telephone conference during Executive Session.

CALL TO ORDER

Chairman Martin called the meeting to order at 3:10 p.m.

COPS 1990 REFINANCING BOND – DISCUSSION AND POTENTIAL EXECUTIVE SESSION

Don DeFord stated he needs to provide legal advice as well as on oil and gas litigation.

Don had a discussion with Blake Jordon and he can participate as the Bond attorney in Executive Session if the Board would like him to.

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 the Executive Session; motion.

Direction:

Don requested direction from the Board on the closing of the current COPS refunding and direction on the matter on how the Board wishes to staff to approach the hospital on the participation of the County in the Hospital bond issue.

Commissioner McCown made a motion that we continue with our phasing on the COPS Refinancing and that Don and Ed met with the hospital as soon as possible and make them aware of our circumstance and discuss any options with them that we may be able to help them out.

Commissioner Houpt – second.

Commissioner Houpt stated that this is rather awkward and appreciates what the market was doing and how we were watching that; certainly the benefit to the County is large and it would not be fiscally responsible for us not to move forward on this. But I hope that in moving forward on this that in the next few years we won't find ourselves in this position.

Commissioner McCown – I agree, it's a series of circumstances that brought us to the point none of which we really had any ultimate control over trying to be as fiscal responsible to our taxpayers as we could be and if the shoe were on the other foot, the hospital would be doing the same thing we're doing. And again I'm willing to try work with them the best we can, but I think our first responsibility is to our taxpayers.

Chairman Martin – there is one other comment we need to make, when we made our first agreement they were phasing in their project year by year, then what they did was to began to accelerate their project and took a bigger risk to move it faster than they're ever planned and that's what also got them in this position where they need more money and why their calling on us. That's why the other options need to be there, they need to be a little more flexible and they can postpone it another 8 to 10 months before they move forward.

Commissioner Houpt – I don't know. I think I wouldn't go that far John. We were aware of their reliance on us being available this year.

Chairman Martin – no, they've accelerated their project well above what their finances were and above what their original presentation was to us and our participation. What it amounts to is we still have the handshake agreement, not a written agreement, on the accelerated project and I'm saying that they need to be a little flexible too. We'll work with them and they also need to understand our situation as well.

Commissioner Houpt – I think that we'll do what we can to help them.

Chairman Martin – well, we're bending over backwards to help them; we've giving them tax exempt status and they are still clearing more millions of dollars per year. I think they're understanding.

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

Don requested that Blake Jordon pass this information on to Dan O'Connell with Dain Rauscher.

Resume Executive Session

Don requested to return to Executive Session to resume the discussion concerning the Oil and Gas Intervention.

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 the Executive Session and adjourn; motion carried.

Adjourn

Attest: Chairman of the Board

_____ _____

JANUARY 16, 2006
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 16, 2006 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

Ed presented the anniversary awards to the Commissioners. Pedometers were given out.

COUNTY MANAGER UPDATE – ED GREEN

- ***Motor Pool - Annual Vehicle Replacement***

Tim Arnett, Marvin Stephens, and Mike Vander Pol were present.

Procurement from Glenwood Springs Ford:

- Twelve (12) F-150 Crew Cab 4 x 4 Pickups for the Sheriff's Department. Cost each $25,368.00. Net cost for twelve (12) is $304,416.00 Seven (7) Ford Escapes for the Motor Pool. Cost each $15,598.00. Net cost for seven $109,186.00
- Seven (7) Ford Hybrid Escapes for the Motor Pool. Cost each $25,902.00. Net Cost Seven (7) $181,314.00.
- One E-250 Cargo Van For Building Maintenance at a cost of $16,505.00
- One E-350 15 Passenger Van for Community Corrections at a cost of $19,904.60

Procurement from Berthod Motors

- One (1) GMC 3500 Flat Bed 4 x 4 diesel pickup for Weed Control

Procurement from Phil Long Ford

- One (1) F250 Crew Cat 4 x 4 diesel pickup for Road and Bridge Director at a cost of $29,398.00

Procurement from Weld County Garage

- One (1) GMC 1500 4 x 4 Extended Cab Pickup for the Coroners Office at a cost of $23,100.00
- One (1) GMC 1500 4 x 4 Extended Cab Pickup for the County Engineer at a cost of $21,961.00
- One (1) GMC 2500 4 x 4 Extended Cab diesel pickup with a cargo box for the Motor Pool Mechanics at a cost of $32,660.

Procurement from Sill-Terhar Ford

- Three (3) F250 4 x 4 Extended Cab diesel pickups for the Road and Bridge Department. Cost each $27,614.00. Net cost for three = $82,842.00
- One (1) F-350 4 x 4 Extended Cab diesel pickup with a cargo box for the Sheriff's Office at a cost of $33,975.00

Total amount budgeted from Capital for fully equipped vehicles $261,000 and budgeted from Motor Pool for vehicles $619,000 for a total budget for 2006 of $880,000

Discussion was held

Commissioner Houpt asked if Tim had compared the seven hybrids to Honda, etc.

Tim stated that these types of vehicles the dealers in the area not bid on government bids.

Marvin stated we had a lot of hybrids in the motor pool and he would like to evaluate those over a long period of time before we add any more.

Tim stated they pulled the van off for the Sheriff – the Transport van.

Commissioner McCown suggested bidding for the Clerk an enclosed trailer.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt that we procure from Glenwood Ford, Twelve (12) F-150 Crew Cab 4 x 4 Pickups for the Sheriff's Department for a cost each $25,368.00. Net cost for twelve (12) is $304,416.00 Seven (7) Ford Escapes for the Motor Pool. Cost each $15,598.00. Net cost for seven $109,186.00; Seven (7) Ford Hybrid Escapes for the Motor Pool. Cost each $25,902.00. Net Cost Seven (7) $181,314.00; One E-250 Cargo Van For Building Maintenance at a cost of $16,505.00; One E-350 15 Passenger Van for Community Corrections at a cost of $19,904.60; Procurement from Berthod Motors One (1) GMC 3500 Flat Bed 4 x 4 diesel pickup for Weed Control Procurement from Phil Long Ford; One (1) F250 Crew Cat 4 x 4 diesel pickup for Road and Bridge Director at a cost of $29,398.00; Procurement from Weld County Garage One (1) GMC 1500 4 x 4 Extended Cab Pickup for the Coroners Office at a cost of $23,100.00; One (1) GMC 1500 4 x 4 Extended Cab Pickup for the County Engineer at a cost of $21,961.00; One (1) GMC 2500 4 x 4 Extended Cab diesel pickup with a cargo box for the Motor Pool Mechanics at a cost of $32,660; Procurement from Sill-Terhar Ford Three (3) F250 4 x 4 Extended Cab diesel pickups for the Road and Bridge Department. Cost each $27,614.00. Net cost for three = $82,842.00; and One (1) F-350 4 x 4 Extended Cab diesel pickup with a cargo box for the Sheriff's Office at a cost of $33,975.00.

Ed said this was budgeted and the existing Motor Pool budget planned for these vehicles.

In favor: Houpt - aye Martin - aye McCown - aye

- ***GIS – 2005 Highway Users Tax Fund Annual Report – (HUTF) – Rob Hykys***

Rob Hykys submitted the summaries.

The purpose of this summary and the accompanying table is to provide an accurate accounting of road lane-miles to the CDOT thereby ensuring that the Garfield County Government receives its due share of Highway User's Tax Fund revenues collected at the gas pumps in 2005 and distributed by CDOT in 2006.

Over the past five years, many problems were revealed by applying the unforgiving scrutiny of GIS analysis to both our roads inventory and to CDOT's interpretation of what we actually had on the ground. The conversion of the HUTF process from pencil and paper to GPS and GIS is complete and comprehensive, with only a few, minor changes to our roads inventory for calendar year 2005.

A "first" for the County in 2005 was the utilization of GPS to document road improvements made during the construction season. Working closely with the IT Department, Jake Mall mapped and delivered GIS-ready data collected on-site. This eliminated the annual process of marking up hardcopy maps with the year's improvements to be fed back into the GIS.

Rob thanked Marvin Stephens, Jake Mall, Bobby Branham and Kraig Kuberry for sharing their firsthand knowledge and experience throughout the year regarding the County's road network. Technical assistance with CDOT's database, software tools, and audits was provided this year by Beth Bialy of CDOT's GIX Section in Denver.

Road Improvements totaled 43.74 total miles; a road segment not in inventory was added on CR 312 – Garfield Creek Road of 0.89 in length, surface unimproved. Road segment into County Landfill, CR 246A surface Asphalt of

0.30 in length. Road segments with documented BLM Right of Way for Drop – CR 480 – Transfer Trail – 2.37 miles in length. Private drive once designated as a County Road – Drop – CR 306A – Fire Station Road – surface unimproved and .58 in length. Re-Alignments: CR 333A, the Hunter Mesa Shop Road providing access to the Road and Bridge shop, was properly re-aligned using GOS in the summer of 2005. A small segment (.20) segment of Mamm Creek Road, CR 315 was mapped using GPS to reflect a safety-related re-alignment around a private residence. Many miles of road centerlines, which were not among those mapped with GPS in 2002 were adjusted utilizing accuracy and the maps we produce, it had negligible effect on the 2005 HUTF report. Additionally those Battlement Mesa Streets and cul-de-sacs which were not GPS mapped in 2002 were adjusted to 2005 USGS color aerial photograph recently made available by the USGS. There are current aerials that also provided an excellent reference source for road construction within new subdivision, such as New Castle's Lakota. Correction: Basalt Mountain Road was changed to Basalt Mountain Drive.

The HUTF eligible centerline miles for 2005 - 705; HUTF eligible lane miles for 2005 – 1499; HUTF ineligible centerline miles for 2005 - 248; and HUTF ineligible lane miles for 2005 – 352.

Ed stated this HUTF report yields around $2 million dollars for the County.

Rob stated we are approving the table and not the map.

Marvin thanked Rob for the GIS mapping.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the 2005 HUTF report.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Human Resources – 2005 Equity and Merit Increases – Judy Osman***

Judy Osman submitted the 2006 Merit and Equity Increases by Department/Office for a total of $980,248. The individual departments and the amounts were submitted. Ed stated a 4% was budgeted and a 1% for equity however it depends upon Performance ratings.

Judy stated the Commissioners have approved the 4% and the 1%. We have enough money to do probationary increases and some raises.

Chairman Martin noted that the Commissioners and elected officials do not get raises.

Commissioner McCown – there is money budgeted for handling any increases for elected officials if approved by the legislature.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Human Resources 2005 equity and merit increases as presented.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Road and Bridge – CR 300 - Speed Limit Change on a Section – Jake Mall***

Jake Mall stated in a memo to the Board that the Road and Bridge Department has a request to lower the speed limit on a section of CR 300 (Parachute/Una Road). The request came from an oil and gas company and the residents of this section of the road. The section that we would like to lower the speed limit on is from CR 306 (Spring Creek) intersection to CR 304 (Richardson Road) also known as High Mesa Road. The speed limit from the Una Bridge to CR 306 (Spring Creek) intersection is 25 MPH. The request is to lower the speed limit of CR 300 from this intersection to CR 304 making the total section of 25 MPH zone 1.2 miles or an addition of 0.75 miles. The Sheriff has been contracted and he doesn't have a problem with the change.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to lower the speed limit on CR 300 and Chair be authorized to sign the Resolution.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Human Resources – New Staff – Oil and Gas Liaison to Commissioners***

Diane Kocis was introduced. She is from the Western Slope area and is familiar with the oil and gas industry.

Ed read the following press release into the record:

"Garfield County has selected Diane Kocis as its new Oil and Gas Liaison. Ms. Kocis begins work at Garfield County on January 16, 2006. Her duties will include overseeing the completion of studies assessing the impacts of the oil and gas industry in the County. She will also work closely with local land owners, the industry, and the Energy Advisory Board to find solutions to issues and concerns that arise from drilling operations in the County. Diane has extensive experience in the areas of environmental science, environmental compliance, hydrology, and geology. She received her undergraduate degree from the State University of New York with a major in Geology and her masters from the University of Rhode Island in the area of Geochemistry. Ms. Kocis has done extensive graduate work in the areas of hydrology and water resources administration at the University of Arizona. During that time, she was also a research and teaching assistant for the university.

Ms. Kocis has 14 years of experience as an Environmental Compliance Specialist. Assignments have included identification, tracking, and completion of BLM, Corps of Engineers, CDPHE, COGCC, and local government regulatory requirements for oil and gas operations and potential site releases. She has also been responsible for coordinating and executing the necessary special use permits and site reclamation strategies for oil and gas sites. Prior to her work in the environmental field, Ms. Kocis worked for over 5 years as a Production Geologist where she dealt with drilling and completion operations and with landowner relations."

Diane stated she was grateful for this opportunity.

Chairman Martin stated that the Delta County Commissioners congratulated Diane and asked her to keep in touch.

Diane will be reporting to Jesse over the next several months since he has been the acting liaison.

Don asked Diane to be involved and asked her to attend the Executive Session.

- ***Airport – Preferred Limousine Airport Land Lease – Stacey Brown***

Stacy Brown submitted the existing lease with the County at present ended officially in December 2005. It was an 11-month lease and she wanted to see if she wanted to stay on the airfield. Now that there are new owners, yes. She has worked for the new owners for 7-years driving for them and detailing the jets. She requested to have a 5-year lease; Michael is to put a building up and possible go after a shuttle license to service to Glenwood to DeBeque. CME will contest it but she thinks she can prove a need for the service. Photos were submitted.

Ed stated the request is for 3500 square feet, over $.27 cents per foot, consistent with other leases.

Stacy responded to Commissioner Houpt concern about CME contesting. She said she can get a limousine license but to get a shuttle license, the other shuttle companies can contest it just like a taxi-cab through PUC. Unfortunatley, CME doesn't go pass Glenwood and also they don't offer door to door service, you have to go to them and Stacy wants to change it with the growth in the valley she thinks it will need a shuttle service as well as a limousine. CME runs under two licenses, LL which gives them their premier fleet which gives door to door service, they also have their shuttle service which is designated pickups and designated stops and they cannot vary from that. Stacy wants to do door to door service based on the calls from people that can't even get to a bus stop.
Carolyn clarified this was County land and the building already in place – the quasi-hut.
Stacy has four vehicles and a 35-foot stretch limousine sitting in it. If she grows she will have to put a larger building up and would like to put it on the line which first requires a business plan for the FAA first, gain their approval and then back to the Commissioners.
Carolyn clarified that Stacy is looking for both a lease of land and a County-owned building and for the right to operate from the Airport.
Stacy – wants to make sure she has a 5-year lease for my existing building.
Carolyn will discuss this with Brian to find out because a lot of times things are handled year to year when there is a possibility of having to move a structure.
Dale stated the structure is located in the bone yard at the present time and its enjoying a higher level of security that may not continue in the future.
Stacy would like to be out of the bone yard.
Commissioner McCown – on the Master Plan, even though this is aircraft support related, not sure we had planned for transportation to be on our flight line or if that was preserved for aircraft. This is an ancillary business that could occur somewhere off of our flight line preserving that premier property for those with airplanes.
Stacy doesn't want to be on the tar mark line because that has to be strictly for aircraft. She wants to be behind the new FBO jet center and behind existing buildings. She wants the current building to remain where it is at the present time.
Commissioner McCown supports the lease but needs to see something in a draft for the long-term that is more formalized. A specific location that needs to be worked out with Brian and Dale.

- ***Engineering – Out of State Travel Request – Randy Withee***

Randy submitted the training agenda and abstract for Planning, Designing and Constructing Police Facilities Management and Supervision since the Joint Rifle Police/Court Facility and the Community Corrections Facility are in the budget for 2006.
The City asked that Randy attend this training along with their representatives.
The total cost of the trip is $1875.00 and travel is budgeted in 2006. It will be the 2nd week in February, a four-day training.
Ed talked to Keith Lambert and the City just passed an ordinance that allows them to go design-built on the facility. We need to find ways to incorporate the intrigues of building a police facility into a design build concept.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the out of state travel request in an amount not to exceed $1875.00 for Randy Withee.
In favor: Houpt - aye Martin - aye McCown – aye

- ***BLM – Consider Cooperation Status with BLM***

The Board received a letter regarding the BLM who is initiating the development of a programmatic Environmental Impact Statement (PEIS) for a commercial leasing program for oil shale and tar sands resources on public lands in Colorado, Utah, and Wyoming. The Oil Shale and Tar Sands Resources Leasing PEIS will evaluate the impacts associated with leasing and will amend the appropriate individual land use plans in each of the three states to identify areas open to leasing and the constraints under which leasing would occur.
The United Stated Department of the Interior, BLM is inviting the County to partner in cooperation for the PEIS/Plan Amendment. The PEIS is a multi-step process that will be completed in approximately 23 months and will include the preparation of a Draft PEIS, a Final PEIS, and a Record of Decision. The meeting in Rifle at the Fairgrounds on January 18, 2006 to discuss this as well with the Department of Interior. The question is do you want to be a cooperating agency in this endeavor.
Commissioner Houpt – I think we certainly do.
Chairman Martin – that's a unanimous decision.
Commissioner McCown – yes.
Commissioner Houpt – so there were great benefits of doing that before and I think it's very important. Actually my meeting in Denver changed on the 18th so I will be able to be there as well.
Chairman Martin – okay, we do have a couple of people that are going to be there, I think there's a young lady who started today that plans on being there as well as our long range planner, Randy Russell.
Commissioner McCown noted there were two sessions 1 – 4 and 7 – 10.
Chairman Martin – now remember this process is 23 months long, this is not one meeting to get everything done, this is 23 months and reviewing, getting back together, making discussion.
Commissioner Houpt – but it's a tight timeline.
Commissioner McCown – and if we have multiple people going, if it's possible to schedule maybe you could send part to one meeting and part to the other so you don't have to go to both of them because they are going to be redundant and there will be different faces from the public. And I will be gone or I would definitely be there.
Commissioner Houpt – I will be going during the day.
Ed – so we want to prepare a letter back to the BLM indicating our willingness to participate.
Commissioner Houpt – yes. Commissioner McCown - yes; Chairman Martin – yes.
Chairman Martin – Back to Sally, and we'll make sure we do the formal application with the same agreements I do believe we went through with the legal staff which is disclosure, intelligential information, etc. Who gets to keep it, who's allowed to distribute it, what the rules and regulations are as a cooperating agency? So we've gone through it before, we need to make sure that we do it this time as well, all the rules that have been established.

Chairman Martin – do I have a motion in reference to be a cooperating agency.
Commissioner McCown so moved; Commissioner Houpt seconded.
In favor: Houpt - aye Martin - aye McCown - aye

- ***Boards and Commissions – Consideration for a Re-appointment to the Grand Valley Cemetery Board***

Betty J. Letson has requested to be re-appointed for another term.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to reappoint Betty J. Letson to the Cemetery Board.
In favor: Houpt - aye Martin - aye McCown - aye

2:00 p.m. Refinancing the COPS
Ed Weiss, Dale Hancock and John Martin will sign the documents.

COUNTY ATTORNEY UPDATE – DON DEFORD

- **HOUSING AUTHORITY – CONSIDERATION/APPROVAL OF IGA WITH GARFIELD COUNTY HOUSING AUTHORITY FOR ADMINISTRATIVE SERVICES IN CONNECTION WITH THE GARFIELD COUNTY AFFORDABLE HOUSING PROGRAM**

Don stated this is a renewal agreement
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the contract with the Garfield County Housing Authority for the administrative management of our Affordable Housing Program.
In favor: Houpt - aye Martin - aye McCown - aye

- **ASSESSOR – VALUE CHECK, INC. – CONSIDERATION/APPROVAL OF PURCHASE OF SERVICES AGREEMENT**
- **ASSESSOR – MARY ELLEN DENOMY – CONSIDERATION/APPROVALOF PURCHASE OF SERVICES AGREEMENT**

Mary Ellen Denomy will be a consultant for auditing services to the County Assessor as needed regarding property tax obligations of operations and owners of producing oil and gas properties. The contact will be in an amount not to exceed $85,000.00
Don presented the contracts along with Shannon Hurst. The contract substances had been reviewed in the past.
The Consultant's fee will be $6,500.00 per month for the Bi-annual Commercial Real Property Reappraisal beginning January 2006 and ending December 31, 2007. At the direction of the County Assessor, ValueCheck will provide additional consulting services on residential property issues in 2006. The hourly rate for these services will be $80.00 per hour. The agreement authorizes up to 125 hours of this type of work for the 2006 budget year.
Two Contracts:
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Purchase of Services Agreements with both Value Check and Mary Ellen Demony.
In favor: Houpt - aye Martin - aye McCown - aye

- **SHERIFF – CONSIDERATION/APPROVAL OF MOU WITH COLORADO WEST REGIONAL MENTAL HEALTH 23 HR. CRISIS STABLIZATION BED IN JAIL**

Don presented the contract and stated we enter into this every year.
Colorado West Counseling Services agrees to emergency services to provide a mental health evaluation to determine the need to refer an individual for 23 hour crisis stabilization services. The counselor will arrange for a qualified crisis stabilization relief work to be at the jail for the monitoring during the time the individual is placed there; provide copies of evaluations and/or reports; and determine disposition, consisting of release of the referred individual and/or referral for psychiatric hospitalization.
The term of this agreement is from January 1, 2006 – December 31, 2006.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the MOU with Colorado West Regional Mental Health and Garfield County Sheriff's Department.
In favor: Houpt - aye Martin - aye McCown - aye

NEW ISSUE – GALAXY ENERGY – ROAD PERMIT
Jake Mall and Don DeFord presented.
Road Use permit for Galaxy Energy – terms of overweight permitting in place. Don said they worked out an unusual arrangement with Galaxy in that they have agreed to post a cash security with the Treasurer pursuant to a deposit agreement pending their receipt of a bond, which the representative in Denver informed Don it would take several days if not a week to put into place and they did provide a letter at the request of one of the Commissioners verifying that they had requested wire transfer of the full security to the Treasurer. This will not be arriving until tomorrow at the Treasurer's office due to the holiday today.
Jake bought the Board up-to-date on the factual issues as to where Galaxy is in moving their trucks on the road. Once the Commissioners were polled and all agreed, rather than having those trucks in route from Wyoming stage in an area they were going to lease a piece of ground where they do stage, it was better to okay the use of a short stretch of CR 223 and 233 and move the rig on site. Galaxy Energy will video the road, get their bonds in place and they indicated in a letter that they are willing to do whatever we want. It's a good company and thanked Don and Carolyn for the work on Friday. This is a new drilling relationship with the new company.
Don requested action from the Board for authority to sign the deposit agreement with Galaxy Energy and the Treasurer will also execute that agreement, it's a standard agreement Carolyn designed to fit road use rather than subdivisions.
Commissioner Houpt – so moved; Commissioner McCown – seconded.
Houpt - aye; Martin – aye; McCown – aye.

Executive Session: Litigation Update; Legal Advice – Road and Bridge Direction concerns performance 4-mile road; update on Oil and Gas Commission and Diane Kocis; Personnel matter in Sheriff's office and letter from contract with the Town of Silt on Road Maintenance,

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

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

Action taken:

Silt Streets through Stillwater – Maintenance and Reconstruction

Don stated there was a request from the Town of Silt to have a meeting with the Board of County Commissioners concerning maintenance of some Silt streets going through Stillwater Subdivision and the County may be involved. Don suggested action take place public ally.

Commisisoner Houpt made a motion that staff speak with the Town of Silt and arrange for a Worksession on this issue at the Silt Fire House. Commissioner McCown – seconded.

In favor: Houpt - aye Martin - aye McCown - aye

Commissioner Houpt will not be present for the BOCC meeting on February 21, 2006.

The date was set for Wednesday, February 22, 2006

Four Mile – Discussion – Complaints from Residents Regarding Snow Removal

Marvin and Bobby were present. Response time and roads being slick were the bulk of the complaints. Marvin stated their main priorities are the School Bus, Mail Delivery and major population of the residents in the area. Some storms this year on the weekends that have hit hard and the roads were frozen. With the huge amount of traffic on the road the Road and Bridge crew can't get the sanders on the road due to the traffic. Issues: it takes a long time to unravel the traffic and they run out of cinders; the roads are slick and the on-call crew live in Rifle and Parachute due to the cost of living in the Glenwood area. Pagers are carried by the Road and Bridge. Marvin wanted to make the public aware.

Commissioner Houpt – priority to the buses and population and to the ski area. This is a 7-day pattern.

CDL people are limited per week on the number of hours they can work. The on-call status is rotated and just because you live in Glenwood Springs you can't be on call all the time.

Commissioner Houpt – the people that live up Four Mile need to realize this is a big snow year.

Commissioner McCown the policy used to be 6 inches of snow when we had a policy of going out to plow on the weekends.

Marvin stated that is not the case and they plow with any snow levels now.

The traffic is a problem. Marvin stated they go early but the snow can cover the road quickly and the perception of the public is that the plows haven't been out.

Commissioner McCown – it is winter and there are winter driving conditions in the area.

Two snow plow trucks and a grader allocated for Four Mile. The crews have been doing an excellent job.

Bobby said the reports were forwarded on Saturday. The summary on average for cinders is 4 – 6 rounds and each round consists of 15 tons and equates out to 60 – 90 tons of material on that road.

A copy was submitted for the record.

COMMISSIONER REPORT

Commissioner Houpt – GBCA meeting on last Tuesday and last Wednesday met with Carbondale Chamber – Carbondale is moving forward with a lot of different things and it's pretty exciting; this week in Denver; an I-70 meeting in Avon on Thursday and then meetings in Denver Thursday afternoon and Friday – it's the legislative season. Also the BLM/Oil Shale Leasing meeting that will take place in Rifle on Wednesday.

Commissioner McCown – last week on Thursday, Associated Governments and then the Special Meeting at the Health and Human Services building following that; BOCC today and Larry is leaving on vacation on Tuesday, January 17, 2006. BLM Oil Shale Meeting – Wednesday in Rifle

Chairman Martin – Tuesday, took the first class in the New World System computer classes in reference to our move to that system – has view status only; Special meeting in Rifle that Larry mentioned; Community Corrections Board where we discussed the possibility of a new facility in Rifle and hopefully we can come together, there is a building committee/program committee and we will see some recommendations coming from the Community Corrections Board.

Carolyn – asked if the Commissioners were still going in the direction with that similar to the Airport where they would be a long term land lease? John – no the County would own the facility and it will be a County function and funded by the program itself from offenders as well as State allocations of bed space, etc. This was a revenue source back to the County at 173% of predicted as well as a cost to us of 83%, so we saved money both on expenditures as well as receiving a tremendous increase in revenue; so we need to look at that program. It's been very successful, we've had very few offenders, only one walk away in the history of this program. So we need to look at that into the future. Spent 2-days in an agriculatural program and we need to help Ag communities in getting educated on what affects them and how it affects us. Club 20 on the 18th in Denver where we discuss everything from water to the mineral severance tax as well as federal mineral leasing and new legislation comes up; also a 2-day Wolf workshop with the Division of Wildlife next week and the Legislature reception with CCI - 8 steering committees next the two weeks with CCI.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers

d. Changes to Prior Warrant Lists
e. Resolution – Battlement Mesa, Preliminary Plan, Parcels 5-1 and 5-2. Authorization for the Chairman to sign
f. Resolution – National Forest Reserves – Authorize the Chairman to sign and directing the Treasurer to make disbursement.
g. Liquor License – Glenwood Tramway LLC and White Buffalo West LLC – Renewals
h. Resolution – Conditional Use Permit – Balcomb, Mark and Lisa – Aircraft Landing Strip – authorize the Chair to sign
i. Airport – Amendment No. 1 – Release to Contract No. 5 – Brian Condie and Carolyn Dahlgren

Listen – extension document but do have Peter Mueller's signature.

A motion was made by Commissioner and seconded by Commissioner to approve the Consent Agenda Items a – I with removal of b and c and with the statement made by Carolyn Dahlgren with the statement that we get Peter Mueller's signature on the Contract.

In favor: Houpt - aye Martin - aye McCown - aye

HUMAN SERVICES COMMISSION

- ***Introduction New Executive Committee – Jackie Skramstad and Sandy Swanson***

Jackie Skramstad, President, Laurel Little, Secretary, Pat Horwitz, Vice-President and Nancy Reisch, membership coordinator were present.

The request is to add a category of "employment" to General Categories – Colorado Work Force; Request to change "Law Enforcement" category to "Public Safety Representative"; and Request to add two more open human service agency representatives the present ten on the list.

Two applications were submitted for membership – RSVP Representative, Cheryl Cain and Pastor's representative, Karolyn A. Spencer.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the request is to add a category of "employment" to General Categories – Colorado Work Force; Request to change "Law Enforcement" category to "Public Safety Representative"; and the request to appoint Cheryl Cain and Karolyn Spencer to the Human Services Commission.

In favor: Houpt - aye Martin - aye McCown - aye

Chairman Martin requested meeting minutes for all the Commissioners from these meetings for the Board's information.

BOARD OF SOCIAL SERVICES

- ***Approval of EBT/EFT Disbursements for December 2005***

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the EFT/EBT disbursements for November for $439,029.60.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Notice of Grant Award with the Area Agency on Aging of Northwest Colorado for Caregiver and Senior Services Program***

Lynn Renick presented the 2006 Six-month Area agency on Aging (AAA) Notice of Grant Award for $31,639.00. The purpose for the 6-month grant is in order for them to switch over to the new system.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the 2006 Six-month Area agency on Aging (AAA) Notice of Grant Award for $31,639.00.

There was a decrease in the amount of funding but the legislature is looking at an increase.

In favor: Houpt - aye Martin - aye McCown - aye

- ***2006 Contract Addendum with Colorado Mountain College***

On July 11, 2005 the BOCC signed the Department's contract with CMC for linking services to the Colorado Works Program. The addendum to the contracts adds an additional $8,200 not to exceed amount for the additional program services from 1-10-6 through 6-30-2006.

Commissioner McCown made a motion and seconded by Commissioner Houpt to add an additional $8200 to the Scope of Services Program at CMC.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Recognition of special project by the Elks Lodge No. 2195 BPOE***

Phoebe _____, Lori Bennett, Mary Romero and Heidi Ross were present.

The Elk provided $6,000 worth of clothing assistance and over 60 identified families with food baskets. Mary Romero with the Elks was present and Heidi Ross was recognized for coordination.

Mary Romero – Rifle Elks Lodge – The Elks were established in February 1868 and it's the largest benevolent organization of the United States. The order is dedicated to the services of the community and dedicated to helping those less fortunate and those in need. A flyer on youth activities was submitted. Help was provided to 40 young people under age 18 in 2005.

- ***Program Updates***

Lynn submitted the updates for the Board's review.

Toys for Tots

Lynn reported that 715 children were served with Toys for Tots in December 2005.

BOARD OF HEALTH PUBLIC MEETINGS:

- ***Public Hearing – 2006-2—7 CSBG Allocation – Block Grant***

Mary Meisner, Public Health Director, Victoria Kennedy and Don DeFord, County Attorney was present. The public notification was in the Glenwood Post from January 2 – January 12, 2006 and this was provided. Carolyn Dahlgren stated the actual proof of publication will be provided to the Clerk.

Chairman Martin swore in the speakers.

Victoria Kennedy submitted the 2006-2007 CSBC Application and Plan. The total amount of the Grant is $40,000 - $39,000 for direct program costs and $1,000 for total administrative costs.

This provides outreach for the prenatal nurse case management. This grant was started through Healthy Beginnings and this still goes toward helping with that effort.

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 Houpt to approve the 2006 – 2007 CSBG Allocation Block Grant for the Garfield County Public Health Prenatal Nurse Case Management.
In favor: Houpt - aye Martin - aye McCown - aye

Board of Health

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

- ***Community Health Plan Review for 2006***

Mary submitted the Community Action Plan and reported that in September 2005 the Garfield County Health initiated a community needs assessment using the Mobilizing for Action through Planning and Partnership Process (MAPP). There was 1000 community Health & Quality of Life Surveys distributed to residents of Garfield County. 700 were in English and 300 in Spanish. A total of 788 surveys were returned. This survey was a regional collaboration between Pitkin, Garfield and Eagle Counties. She elaborated on the results.

- ***TB Pilot Project Report***

Mary reported that the Garfield County Public Health received a community health grant in 2003 from the Caring for Colorado Foundation to conduct a two-pronged pilot project designed to educate a vulnerable population about tuberculosis and to identify and treat TB infection in this same group. Mary reported on the factors impending successful TB elimination in Garfield County which included: high risk immigrant populations that are unaware they are at risk and that TB can be fatal if left untreated; have inaccurate or incomplete information about TB symptoms, prevention, causes, diagnosis and treatment; have some distrust of government and public health and may come from cultures that attach stigma to TB.

PUBLIC MEETINGS:

HISTORIC PRESERVATION IN GARFIELD COUNTY – R. GLENN VAWTER

Ann Grimmel is the President as of last week; Glenn Vawter is the Vice President. Glenn was present for the Frontier Historical Society.
Glenn Vawter presented saying the Board of the Frontier Historical Society has resolved to offer assistance to the county to increase awareness of the need to preserve our important historic places.
The means to this ends is to suggest the County assist private parties to preserve their properties through the use of incentives like grants and tax credits, volunteers, and working closely with existing local, state and national historic preservation groups like the State Historical Society which has documents and staff available to assist the County staff.
Glenn read from the Garfield County Comprehensive Plan.
On January 10, 2006 the Frontier Historical Society Board met and developed the proposed actions. Therefore the actions requested today is to develop a formal process to accomplish identification, evaluation, registration and treatment of historic properties and establish a Historic Preservation Committee and enable that committee to recommend further actions such as:

- Establish a County Historic Designation Process
- Initiate a county wide historic properties inventory
- Coordinate with other historic preservation groups at the County, State and National levels
- Recommend properties for National, State and County Historic designations and
- Provide property owners with historic preservation information

The Peach Valley School House was one projects, some mine temples in New Castle and some oil shale ruins, ranches and school houses were identified.
A partnership approach is what they are suggesting.
To look at how other counties have established historic designation process is important and Commisisoner Houpt would support establishing this process.
Chairman Martin – come together and form an overall review process.
Carolyn - A county unit of the State Historical Section 24 allows the BOCC to create and maintain a tributary to the State and use general fund money to create places to displaces, keeps the title to the historical and the County. It would take a Resolution to create this.

ACTION PLAN:

Put something together, send an invitation out through Fred Jarman, sit down at the round table with the other Historical Societies and see where we go from there and then make recommendations back to this Board in the direction we want to go.

LANDFILL - INSTALLATION OF GPS RECEIVER – FRED JENKINS WITH UNAVCO - EARTH SCOPE PROJECT

Fred Jenkins, Basin & Range Field Engineer, Plate Boundary Observatory from Salt Lake City, Utah. Asking that they be allowed to install a receiver until 2017 at the Landfill. See the handout.
This site would collect data and at the end of the day they will download the information to Boulder to determine the plates as they are moving. This will be installed into solid rock and no vibrations will harm them.
Marvin stated this doesn't impact the future of the landfill.
Chairman Martin – will this harm any mineral rights since the County doesn't own the mineral rights under the Landfill.
Carolyn suggested a written use agreement in place.
The Board requested a packet of information and bring this back to the Board.

PUBLIC HEARING:

ASSESSOR - GLENWOOD MEADOWS, LLC. – SHANNON HURST

Shannon Hurst and Don DeFord were present.
Notification to the applicant was all that was required.
Chairman Martin swore in the speakers.
Shannon presented the Abatement, Schedule
When the protests they stipulated to the evaluation and failed to lower the value. They will receive an abatement and refund $65,542.63.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; motion carried.
A motion was made by Commisisoner McCown and seconded by Commissioner Houpt to approve the Abatement in the amount of $65,542.63 on behalf of Glenwood Meadows, LLC. for the reasons stated by the County Assessor.
In favor: Houpt - aye Martin - aye McCown - aye

PUBLIC MEETINGS: BOARDS AND COMMISSIONS – BOARD OF ADJUSTMENT AND PLANNING COMMISSION – CONSIDER REQUEST FOR APPOINTMENTS

Mark submitted the individuals who would like to be considered for the open spots on the Board of Adjustment and Planning Commission.
Planning Commission – Bob Fullerton, existing PC member; Michael J. Sullivan, Richard Neiley, Jr., Bruce Jensen, and Glenn Vawter.
Either Board of Adjustment or Planning Commission –
Commissioner Houpt would re-appoint Mr. Fullerton and Mr. Jacober and suggest that we appoint as a regular member Richard Neiley and as an associate member Michael Sullivan.
Commissioner McCown – can't support that motion. I can support Fullerton and Jacober as being re-appointed
Commissioner Houpt modified her motion to re-appoint Bob Fullerton and Jock Jacober to the Planning Commission. Commissioner McCown seconded.
In favor: Houpt – aye; Martin – aye; McCown – aye.

Commissioner McCown mentioned giving credence to past history, normally the advantage of having associate members gives them experience sitting through meeting and my recommendation is to move Shirley Brewer up to David Stover's spot.
Commissioner Houpt – agreed with that however she recommended the other two for associate positions.
Commissioner McCown – discussion needed before a motion to be made. Trying to maintain a geographical balance in the County, we need to look at Mr. Jensen's appointment as one of those appointments to keep a balance west to east which historically has been the case.
Chairman Martin – moving Shirley into Mr. Stover's and then we're only discussing two associate members.
Commissioner Houpt – we have more west side people on the Planning Commission as regular members than we do east end.
Commissioner McCown – only if they are in attendance and anytime anyone is absent then the associate members step in so we have kept a balance of associate members and regular members geographically as close as we could.
Commissioner Houpt – Michele Foster from Parachute, Phil Vaughan from Rulison, Cheryl Chandler from Silt; Mr. Stover was from Carbondale, Colin Laird is Carbondale, Jock from Glenwood, Bob has a Carbondale address – Cattle Creek area, Shirley is Parachute, and Steven Reynolds is from in-between Carbondale and Glenwood Springs. No one from New Castle and no applicants either. Glen Vawter is from Glenwood Springs and Commissioner Houpt favored saving him for the Historical Society Board just discussed this morning. Richard Neiley has so much planning history. A conflict of interest was associated with Mr. Neiley.
Commissioner McCown – the only difference with Phil Vaughan is historically we have excluded attorneys and that may or may not be a wise thing because we want the Planning and Zoning Commission to receive guidance from their own attorney's. For legal advice, we want to come from our County Attorney and we saw an inherent conflict possible and have denied seeking other attorney's.
Commissioner Houpt doesn't agree with that at all. If you're going to open it up to the development community then attorneys shouldn't be excluded. She wouldn't be opposed to closing it to the development and legal community since those are the parties involved with development, but I don't understand how you could make that jump.
Chairman Martin – Mr. Brown served as attorney as legal advice to the Planning Commission at one time also and applied to be on the commission which the Commissioners denied simply because of that philosophy.
Chairman Martin and Commissioner McCown voiced objection to having an attorney representative on the Planning Commission.
Commissioner Houpt stated that she has heard from individuals who have the same opinions of having the development community serve on the Planning Commission.
The consensus was to table this discussion. The regular members have been appointed and there's a 4-3 split which you'll have on a 7 member board one way or the other and one associate member as a back-up, so there's no need to appoint the other two. The other two associate member applications will be held in abeyance.
Commissioner McCown made a motion and seconded by Commissioner Houpt to appoint Shirley Brewer to replace David Stover.
In favor: McCown – aye; Houpt – aye; Martin – aye
Commissioner McCown made a motion that we table this discussion until the County Attorney Don DeFord could be present. Commissioner Houpt seconded.
In favor: McCown – aye; Houpt – aye; Martin – aye

Board of Adjustment:

Commissioner Houpt made a motion to appoint Leo Jamarron, Steven Boat, Brad Jordan, and Jock Jacober as regular members and Thomas Barnabic as the Associate Member of the Board of Adjustment.
Commissioner McCown seconded.

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

PUBLIC HEARINGS: BUILDING AND PLANNING HIGH LONESOME LODGE, #10 ENTERPRISES, LLC. – CONSIDER A SPECIAL USE PERMIT FOR A RESORT LOCATED 5 MILES NORTHWEST OF DEBEQUE OFF OF CR 200 – RICHARD WHEELER

Richard Wheeler, Fred Jarman, Carolyn Dahlgren and Richard Krohn, legal representative were present.
Carolyn Dahlgren reviewed the noticing requirements for the public hearing and determined they were timely and accurate.
There was an imperfection in notice in that the notices were not sent out by certified mailings.
Commissioner McCown voted not to proceed. Commissioner Houpt agreed.
Carolyn informed the applicant that everything has to be redone.
In favor: Houpt – aye; Martin – aye; McCown – aye

A new date will be set for March 13, 2006.

ADJOURNMENT

Attest: Chairman of the Board

_____ _____

JANUARY 17, 2006
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 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 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.
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.
Commisisoner 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.

Adjourn

Attest: **Chairman of the Board**

_____ _____

JANUARY 26, 2007
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The special meeting of the Board of County Commissioners began at 11:00 A.M. on Thursday, January 26, 2006 with Chairman John Martin and Commissioner Houpt present. Commissioner McCown was present via telephone. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord and Mildred Alsdorf Clerk & Recorder. Dr. Thyne was also via telephone.

CALL TO ORDER

Chairman Martin called the meeting to order at 11:00 a.m.

.

EXECUTIVE SESSION – DISCUSSION AND DIRECTION – COLORADO OIL AND GAS COMMISSION (COGCC) ON TWO ENCANA VIOLATIONS - THE DETRICK AND AMOS WATER WELLS SPECIFICALLY AND ALSO THE REQUEST TO LIFT THE MORATORIUM ALL OF WHICH ARE SET FOR HEARING IN MARCH OF THIS YEAR; DISCUSSION AND DIRECTION CONCERNING PREPARATION OF THE RESPONSE TO THE BLM FOR THEIR PROGRAMMITIC ENVIRONMENTAL STATEMENT ON THE DEVELOPMENT OF OILA SHALE LANDS; VERY BRIEF DIRECTION ON THE PINE STONE 106 LITIGATION AND A PERSONNEL MATTER CONCERNING THE DISTRICT ATTORNEY'S OFFICE AND THE BUDGET ISSUES

Don DeFord requested the Board go into an Executive Session to discuss the aforementioned items.

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:

PENDING ENCANA VIOLATION – DETRICK WATER WELL AND THE AMOS WATER WELL

These matters have been discussed in Executive Session and Don requested action from the Board on the manner in which he should proceed with our intervention both concerning the pre-hearing conference as well as the hearings that are set for March.

Commissioner Houpt made a motion that we keep the status as an intervener but not as active participants as long as the COGCC moves forward with a fine and remediation on the problem wells.

Commissioner McCown seconded.

Commissioner Houpt commented that once again I would like to say that I think it's a real problem that there's nothing in place in the State of Colorado that would allow this to be as an environmental violation and I think it illustrates a real flaw in the regulations that are in place and we need to work towards seeing that those are changed so that we can recognize the true impact of this type of violation.

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

Action taken:

ADDITIONAL VIOLATIONS CLAIMED BY THE COUNTY AND THE ADDITIONAL COMPALINTS FOR THE COUNTY

Don stated at this time, he has 45 days from January 20, 2006 before action is necessary but know of a request for my position will be made on February 6, 2006 in regard to your motion, should I withhold making those complaints at this time?

Commissioner Houpt – we need to get some type of promise that they're going to move forward with this, otherwise you're going to have minutes to get it together and move forward on it.

Don – since Tresi moved on the last motion, I will understand her motion to apply to the requested as violations as well, that is I will not move forward at this time, but not withdraw those claims entirely until we get further information on the State's position, is that okay with the other two Board members?

Commissioner McCown – yes

Chairman Martin – yes

Don – okay, that covers those issues.

Action taken:

PEIS – DIRECTION TO STAFF TO REQUEST AN EXTENTION OF TIME TO BLM UNTIL FEBRUARY 7, 2006 FOR RESPONSE

Commissioner Houpt – so moved; Commissioner McCown – second.

Don asked if we need to designate a staff member on this end or not.

Commissioner McCown – no

Chairman Martin – not at this time we don't.

Ed – as long as I know I'm responsible.

Chairman Martin – we'll get that through the chain of command.

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

Action taken:

PINE STONE 106 MATTER

Don – in regard to the request by Judge Craven that we state our position on his sitting as the Judge on the Pine Stone appeal, I would like direction from the Board that we enter our position as no objection to his participation.
So moved by Commissioner Houpt and seconded by Commissioner McCown.
In favor: Houpt – aye; McCown – aye; Martin – aye

Action taken:

DA OFFICE AND BUDGET ISSUES

Don – if you need action at this time on the District Attorney's issue.
Ed – the question is do we want to pay for the additional month of COBRA benefits for folks that lost their positions at the District Attorney's office.
Commissioner Houpt made a motion that we approve the expenditure for the additional month for CBET as promised by the previous District Attorney to her staff that was outgoing and that we adjust the budget to the outgoing staff as promised and that we adjust the budget similarly. Commissioner McCown seconded.
Chairman Martin – and I think as it only necessary because we do not know its going to happen, they may have enough savings that it won't even affect their overall bottom line budget.
Commissioner Houpt – then I will amended my motion to state so that we assess it at the end of the year but we recognize that necessity being needed and that we support that.
Commissioner McCown amended his second.
In favor: Houpt – aye; McCown – aye; Martin - aye

Action taken:

MEETING WITH SILT TOWN COUNCIL

Ed stated that Silt wants to change their meeting with the Commissioner until February 27, 2006 at 6 pm, a Monday.
Commissioner McCown didn't have his calendar but will respond to this upon returning from his vacation.

Adjourn

Attest: Chairman of the Board

_____ _____

JANUARY 30, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 9:30 A.M. on Monday, January 30, 2006 with Chairman John Martin and Commissioners Tresi Houpt. Commissioner Larry McCown was absent. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Oil and Gas Liaison Diane Kosis and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 9:30 A.M.

COUNTY ATTORNEY UPDATE – DON DEFORD
DISCUSSION – OIL SHALE LANDS

Chairman Martin – the letter we have in front of us is Randy Russell's letter which is a response to BLM in reference to the oil shale. We need to make a response and we do not want to accuse them of something or demand something, only a small response as to what's taken place so far and that we are interested in continuing for the next 23 months on the PEIS.
Commissioner Houpt – what's been generated by Jesse and Randy is really created a good first response and prefer the letter with the paragraphs that in Chairman Martin's response to Randy's letter, but with some corrections and would add the specific question that was generated from the other letter after the perimeters for alternatives for development of the section and add specific questions. I would support the letter with the paragraphs.
Chairman Martin – that was a beginning just on my part, paring down from Randy's and again all they're looking for is a position and it would premature to comment and it doesn't mean we are bound by it, we don't have a debate on the issue, this is just a beginning statement and then we go into detail on each one.
Commissioner Houpt – I like the combination and within the bullets is in here and there were a few things missing that I wanted to add, in particular the bullet on the results of the RDAD to be carefully evaluated for economic viability and sustainability and that wasn't in this one so I would add that as number twenty-one, it's important to have some of the dialogue included in the paragraphs and that's why I didn't want to just go with bullets.
Chairman Martin – this is just information on where to start and then we'll build off of it.
Commissioner Houpt went into detail about how she would combine the paragraphs.
Don – this information is our reference data and it is part of our formal response back.
Jesse – this is what they will put in their response summary.
Commissioner Houpt commented that renewal energy resources
Chairman Martin – it's politically mandatory and throw it out. He suggested that it didn't need to be in this letter but we can bring it out in the debate with all the other folks. This letter is just our response to the initial request and

that's what we need to keep our focus on. All this other into lengthy debates and good or bad things about policies is a group discussion.
Commissioner Houpt – I think it's really important to be included in this discussion.
Chairman Martin - This is only the beginning.
Commissioner Houpt – I'm not voting on this one, actually I would like to add an addendum just to get them a bullet list but we need to go more in-depth.
Chairman Martin – disagreed. This is a deadlock situation and we won't have any comments whatsoever. I would like to take this out of the argument and allow the staff to go ahead and send this letter. If you would like to add something in the bullet forms then it keeps all the politics and fingerprints off so that we can go in as a beginning and then expand.
Commissioner Houpt – I want to include this section, paragraph 22 with some questions to this letter. It's important to find out what modifying previous and why paragraph number 23 wouldn't be an appropriate paragraph. We do want to know if this process is going to bring in all the old business that occurred around these.
Chairman Martin – when we did an RFP on the Roan Plateau we were told that it could be rewritten and that's why we included that. We can our personal views but what happens in the outcome is what we're concerned about. We can voice our opinion while it's being done.
Commissioner Houpt – this is part of the process and if we think the outcome of the Roan Plateau RMP is what we wanted to work with but I would say that there's enough work put into that that it wouldn't make sense to override them.
Chairman Martin – I think that we've got most of it covered in letters and one of them is the results of those leases should be carefully evaluated and it is environmental compatibility, sustainability of 40 acre leases.
Commissioner Houpt – take the RD&D just for oil shale and has nothing to do with existing RMP's.
Chairman Martin – it does on the other leases as well because you're talking oil and gas and also RMP's.
Commissioner Houpt – then let's take "it's our expectation that the results of the RD&D leases and current RMP's be carefully evaluated because of the environmentally and viability and sustainability."
Chairman Martin – as long as you put it in the context of that that's fine. But we don't need to have a full section on supporting that. You have 30 days for the protest time.
On number 23, we crossed it out and #21 will be additionally is our expectation that the results of the RD&D research and RMP's be carefully evaluated because of the environmentally and viability and sustainability.
Commissioner Houpt – so we have one thing that we don't agree on.
Chairman Martin – why bring it up if it's mandatory anyway. They can't go forward anyway. This will be a later discussion.
Don suggested putting a reference so that when they receive this they know the purpose of the letter.
Motion
Commissioner Houpt made a motion that we approve the sending of the letter to BLM on the Oil Shale PEIS as presented with paragraphs 1 – 20 with the changes discussed creating and deleting, leaving the second to last paragraph Number 21 which talks about ---------- adding CDPHE to paragraph 7 and combining paragraphs 8 & 9 adding an additional paragraph which will be paragraph 20 after combining 8 & 9 as read previously on expectations and RD&D and RMP's, adding after the perimeters for alternatives development section entitled specific questions as presented in the other draft letter and any typographical errors changes to be made and authorize the Chair to sign it.
Chairman Martin – seconded.
Houpt – aye; Martin – aye; McCown - absent

EXECUTIVE SESSION: LITIGATION UPDATE; LEGAL ADVICE – UPDATES ON CURRENT LITIGATION CONCERNING THE URS STUDY AND THE MORATORIUM AREA, PRESCO IN FRONT OF THE OIL AND GAS COMMISSION, AND COUNTY ROAD 318
A motion was made by Commissioner Houpt and seconded by Commissioner Martin to go into an Executive Session; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner Martin to come out of Executive Session; motion carried.

ADJOURNMENT

Attest: Chairman of the Board

_____ _____

FEBRUARY 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, February 6, 2006 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

Fred Kuersten – Peach Valley – submitted a petition signed by approximately 100 people who would like to have the road from the New Castle Highland Cemetery to the White River Forest field; also have a letter from BLM to Verne Soucie verifying that it is a County Road,

Chairman Martin – noted this dates back to 1988, Verne was the Sheriff at that time and also sent to the District Attorney, Don DeFord, Garfield County Commissioners and Leo Payne.

Fred – there is documentation in there from meetings staring in October 1929 and finalized in April of 1930 taken by the landowners and verifying that it wasn't a road for many years prior to that date. There's also some maps in there showing the Patents of the land that was in the 1920's, 1925 or so, so basically the same time the road was turned over to the County, then deeded to the County. And for some reason it never happened. A copy of a State Statute for municipal highways and roads and as I understand you wasn't supposed to be able to abandon or close that type of road. Also had a surveyor that gave me this that shows the deed from when Leo Payne turned it over to Waffle House well it excludes specifically a Guideway for that way. And so really I don't see any reason why the taxpayers of Garfield County are not allowed to use this County Road. Also, about that same time, BLM made a land swamp with Waffle House where a lot of that road is going to private lands and now BLM land. So there's another reason why I don't understand why we're not allowed to use this County Road.

Commissioner Houpt – clarified that it goes across both private and BLM at this point.

Fred – north of New Castle Cemetery its private land then there's a patch of a small sliver of BLM land, then it goes into an area used to be called Harris Park, private land again which it goes through the middle of it, but there again this road was deeded to the County a couple of years after that, I don't remember, basically they patented it but it was already an established road prior to that and it goes up to old BLM land, a little patch of private land and then there's the patch that they swapped with Waffle House. I guess one of the things that brought us to try to get it reopened was you can go up from East Elk Creek and have to hike in or horse back in and Waffle House still feels that they own the land and they have been chasing people off – threatening people and chasing them off of BLM land. So we feel that since this is a County Road that instead of just two private corporations like Waffle House and the Lakota Canyon using it, why can't the taxpayers that own it use it.

Chairman Martin – we'll have to do the research on it as well and you supplied a lot of it, looks like there's a Resolution and acceptance of a 60-foot right of way in there so we'll research that. Dates from 21 – 29 as fast as I could scan there so it's got a history and we'll put it in our legal department, come up with a solution and make a decision on it. He thanked Fred for all the research and the petition and we'll go from there.

Don DeFord – While the citizen is here, I should probably address this. First of all, this road has been the subject of fairly extensive litigation already and it was initiated by the County many years ago, was generically known as New Castle Cemetery Road litigation. It went through the federal court system all the way actually, through the 10th Circuit on appeal to the Supreme Court and eventually back to the District Court. The initial finding by Judge Kane was that there was insufficient evidence to proceed with the case, he used a reverse; that reversal was sustained and that it went back for further litigation in the District Court. Now I went through that because when it came back to District Court for the 2nd time the then sitting Board of County Commissioners asked that the County step aside and that the federal government carry this litigation because the access was almost wholly for the benefit of federally controlled land – BLM. And eventually the National Forest because this road provides access to the Boiler Springs area on top. There was a lot of discussion about resolving this litigation with some type of access less than a full motor vehicle use road, something like a trail for horse, bike, foot traffic – I don't know if that came to fruition but the County has dropped out of this litigation several years past; it would be very difficult for the County to re-initiate any litigation on this road now. If the federal government particularly the BLM wants to carry this case they were the active party at the time the County withdrew, it would be really their responsibility at this point to carry forward with that litigation. I don't know if Fred talked to the BLM to see what they did with their case.

Fred – not recently.

Commissioner McCown – does your memory let you advise, does this road dead-end on BLM or does it dead-end at private property?

Don – the legal right of way actually could be and was established at least in the opinion of the County and the federal attorney's all the way to Boiler Springs which means it terminated on the National Forest. Practically we found it very difficult to get any type of motor vehicle other than maybe a dirt bike beyond the ridge line and that separates the Waffle House Property from BLM. That area actually does lie on BLM property as my recollection just barely but it is on BLM property.

Commissioner McCown – in the worst case scenario it would still have to cross the Waffle House property to get to that and in the best case there would be a 60 foot easement across that property that you could not get off of that roadway in any form or fashion.

Don – correct, I think the recitation I just heard you make concerning where the road lies is fairly accurate, there actually are three portions of private property that are crossed, the lower part which I do believe is controlled by Lakota today, but not sure who controls Harris Park, that's private property as well and then Waffle House further up the road. All of those are crossed by a 60 foot right of way.

Commissioner McCown – to get to the public property.

Don – yes, although as described there are portions of public property all along the way.

Commissioner McCown – in and out.

Don – that's where we are and I can tell you that the research we did as well as the dispositions we took in this case which are fairly extensive and have two drawers on a file on this case demonstrated that road was actively used for a fairly long period of time although it was never included in the County Road system so it was treated as a public road, not as a County Road.

Chairman Martin – it's still access.

Fred – doesn't it also qualify as a RS2477 road since it dates back to about 1892 when they first started using it?

Don – that was a fairly interesting issue in the litigation because the County did assert that and still believe that could have been maintained but the federal government would not go forward on that claim once they took over on the case.

Chairman Martin – right, but that seems to have changed as well and today they actually can't say yea or nay it's up to the court to decide at the present ruling through the 10th Circuit Court, so if that assertions was made it may be interesting in revisiting it and to reassert it again therefore the Forest Service would have to show why it would not be. Not that it would or not be an RS2477 road.

Commissioner McCown – its BLM not Forest Service.

Don – correct the road eventually gets to the Forest Service but most lies on BLM property.

Commissioner Houpt – it might be interested for you to meet with the BLM again to see where they where on that.

Fred – I've been talking to the Blue River Coalition out of Idaho and they've had successful court cases to roads less documented that this one by RS2477 and the fact that Garfield County was deeded this land for a road. Now I still don't understand why if it was deeded to the County you own the land, forfeit private property why can't we open it. And as far as being RS 2477 outside of the fact that I know two Commissioners that at the time was not doing their job to the taxpayers and the people of Garfield County. Somebody needs to be held accountable. Somebody dropped the ball there and never should have been closed in the first place and right now I still feel there should be enough information and documentation there that this thing should be opened by somebody.

Don – well other person Fred might talk to is Frank Breslin. He was actively involved in the negotiations with BLM at the time this happened.

Chairman Martin assured Fred that we will do our research and I'm interested with the assertion that it was an RS2477 in 1892.

COUNTY MANAGER UPDATE – ED GREEN

- ***Road and Bridge Safety Shirt***

Ed reported that some of the individuals here today were wearing Road and Bridge Safety Shirts. In 2005 we completed the year without a loss time injury. This is a major accomplishment. It's an incredible event considering the number of folks in that department and they work they do on a daily basis. The Commissioners felt this was outstanding and a great accomplishment. A round of applause was given.

- ***Child Advocacy Center***

Ed met with Jeff Haskell last week and asked him about the City participation in the Child Advocacy Center. He recommended putting together a letter to go to City Council. The City's involvement in scoping is reflected and Terry Wilson, Chief of Police was actively involved in the scoping for this project. The letter was submitted for the Chairman's signature.

Commissioner McCown made a motion the Chair be authorized to sign the letter to the City of Glenwood Springs regarding the participation in the Child Advocacy Center.

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

- ***Administration - Annual Countywide Printing Contract – Sir Speedy - Tim Arnett***

Tim stated that one of the prerequisites was to be able to order on the Internet. Linda Morcom and Linda White were recognized and thanked for their participation.

Tim explained the procedure and the firms that submitted bids. An evaluation team scored the firms and Sir Speedy Printing was the highest score. Therefore, the request is to award the bid to Sir Speedy Printing for a not to exceed amount of $40,000.

A motion was made by Commissioner McCown and seconded by Commissioner McCown to approve and award the bid to Sir Speedy Printing for a not to exceed amount of $40,000

Chairman Houpt – also thanked the individuals for the work involved in this process.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Taughenbaugh Building - Bid Proposal on Taughenbaugh Building – Tim Arnett***

Tim submitted a bid from Briston Peterson, doing business as H46 LLC of Aspen, Colorado in the amount of $320,000 to purchase the property owed by the County at 902 Taughenbaugh Blvd. A 10% bid security payable to the Garfield County Treasurer accompanied the bid.

Tim stated the firm submitted a $13,000 check and noted that the bid was late arriving in his office.

Commissioner Houpt – thinks we should hold onto this property. Uses keep coming up for County owned property and doesn't make sense to let go of this location.

Chairman Martin – thinks we need to keep the land.

Ed mentioned there is a cost associated with keeping it such as insurance. Also, if the Board wants to level the building, then Mike with the Rifle Fire Department would like to use this for a fire exercise.

Chairman Martin – the neighbors may be getting excited about that building going up if it gets away; he would like to have this held until later for discussion

Commissioner McCown stated he would certainly support rejecting the bid as it did not qualify by meeting the minimum bid but there's still room for discussion on whether we keep this property and invest more money in it. We own 40 acres in the Rifle area and we need to remember that and the entire County operation is Glenwood Springs is probably on less than ½ acre, so we have adequate room to operate the County in the Rifle area so he didn't think we could put a tremendous value to this property to the County. There's room for this discussion.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to reject the bid as submitted for $320,000.

Commissioner Houpt – there has been at least one proposed use for that property that might make a lot of sense and that was Community Corrections. This still needs a lot of research and this will be another discussion. There are uses for that land that might be more practical than the 40 acres.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Landfill - Environmental Engineer for West Rifle Landfill – Kraig Kuberry***

Tim Arnett and Kraig Kuberry submitted the request for proposal (RFP) to obtain engineering and environmental services that are either planned or may be necessary in 2006 for the West Garfield County Landfill located 7 miles west of Rifle.

The scope of work includes:

Task 100 - Environmental Monitoring (groundwater and methane)
Task 200 - Final Design, CQA and As-Built Report for Seepage Ponds
Task 300 - Design, CQA and As-Built Report for Cell 4B
Task 400 - Miscellaneous Projects and Technical Support

There was a team approach to evaluating the bids and the recommendation is to award the firm of Northwest Consultants, Inc. for $37,008.

They are located in Steamboat Springs

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award the firm of Northwest Consultants, Inc. for $37,008.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Sheriff - Procure Front Wheel Drive Van for Sheriff's Department for Motor Pool Replacement – Tim Arnett***

Tim Arnett presented the vehicle replacement for 2006 for one Ford Free Star seven (7) passenger van for the Sheriff's Department at a cost of $16,671.00 at Glenwood Springs Ford.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the purchase and to award Glenwood Springs Ford for one Ford Free Star seven (7) passenger van for the Sheriff's Department at a cost of $16,671.00

In favor: Houpt - aye Martin - aye McCown - aye

- ***Landfill - Revocable Permit and Non-Recorded Easement Agreement for a Plate Boundary Observatory/UNAVCO, Inc. GPS Monitoring Station – Kraig Kuberry and Carolyn Dahlgren***

Carolyn stated the Chairman wasn't authorized to sign the contract when it came to the Board prior to this date.

Kraig Kuberry and Marvin Stephens presented the revocable permit and requested the Board approve the Plate Boundary Observatory/UNAVCO, Inc. permission to install, operate, maintain and service a Global Positioning System (GPS) monument which measures ground shifts caused by earthquakes and slow fault slip between earthquakes at the location specified for a period of 12 years.

A motion was made with the type correction by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Agreement.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Landfill – SWABA Certifications - Out of State Travel Request for Janey Dyke, Kraig Kuberry and Mike VanderPol – Kraig Kuberry***

The request for the 2006 out of state travel for recertification and training in the amount of $1463.19 plus food for Kraig Kuberry; $1613.19 plus food for Mike VanderPol; and $1463.19 for Janey Dyke on April 2 – 6, 2006 to attend the Solid Waste Association of North American Manager of Landfill Operation (SWANA)

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the travel requests

In favor: Houpt - aye Martin - aye McCown - aye

- ***Landfill - Free Landfill Coupons for Employees – Kraig Kuberry***

Kraig submitted the employee coupons submitted at the landfill for 2005 totally 76,310 pounds for an estimated value in benefits to the employees of $1,831.44

Mike gave the report and asked the Board to grant the coupons, two each employee, for the 2006 year.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to

In favor: Houpt - aye Martin - aye McCown - aye

- ***Commissioner Grant - Request BOCC Sponsorship for a Team for American Cancer Society– Mike VanderPol***

Mike VanderPol requested the Board participate in the Cancer Society Relay for Life. The last two years the County has assisted in this sponsorship. July 14 and 15. Mike has chaired the relay and it has been successful.

$75 registration; $1000 for the team and a $1.00 for each lap up to 300 laps. Patsy Hernandez and Brenda Slappey have agreed to co-sponsor the event. Mike is on the Cancer Society Board this year.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve $1375 for the Cancer Society walk for life.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Human Resources - CIGNA Behavioral Health HIPAA Documents(s) for EAP Program – Gallagher Benefits Services 2006 HIPAA Business Associate Agreement (EAP and Section 125) - Carolyn Dahlgren and Judy Osman***

Carolyn and Judy submitted the CIGNA Behavioral Health HIPAA Documents for approval and authorization for signature of the Chairman.

This was before the prior previously for discussion. This is just a clean-up action in order to have a clean paper trail.

Carolyn explained the agreements in detail.

Some handouts were submitted for the record. She asked that the Chair be authorized to sign all of these documents.

Commissioner McCown – so moved; Commissioner Houpt seconded.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Human Resources - Re-draft of PDO Policy – Judy Osman***

The draft of the PDO Policy was submitted for the Board's review. The new policy states that:

- Leave must be accrued before it is used;
- The distinctions between full-time and part-time accruals;
- When holidays fall within scheduled PDO, PDO time is not charged;
- Clarification on the PDO buyout policy – the wording "maximum accrual" has been removed from the policy since there is no maximum accrual because we allow employees to accrue over the hours stated. We have changed the wording to "maximum hours allowed at 100% value" and use the word "maximum" in the text;

- Employees may take the time hour for hour during the year of accrual, and while employed, however, after December 31 of each year or if an employee leaves employment, the hours over the maximum hours allowed at 100% will be paid out at 40%.

Commissioner McCown – noted that the pay for accrued time over the maximum at 40% is an annual budget review and as long as it is understood that this is the way it is, that's fine. He stated he likes it and it levels the playing field. The incentive is to have employees get away for a while.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the new draft of the PDO (paid days off) policy as presented.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Weed Board - Consideration of Requests for Appointments to the Weed Board – Steve Anthony***

Steve submitted letters from Janet Olson of New Castle, Marla Porter of New Castle, and Diana Vagneur of Rifle submitted requests to be appointed to the Weed Board.

Commissioner McCown noted how well the lack of the Tamarisk looked; will this be burned or left where it is now.

Tamarisk Discussion

Dale Hancock - Tamarisk – Commissioner Martin was also there for the panel presentation on bio lands and then a follow up in Grand Junction a week ago and it's an intriguing opportunity and we specifically asked if Tamarisk would be a fuel that could be used in a biomass process and it can be. We're thinking of having some collaborative discussions with Mesa County and even into Grand Canyon in Utah due to the mass amount of Tamarisk along the Colorado River.

Commissioner McCown – we need to bear in mind that it is a fuel source and the longer it lays on the ground the more it becomes a fuel source and the less it becomes appropriate for bio use. He asked to have do not let this lay there and deteriorate and become a fuel source.

Dale – this may be an opportunity to open up some economic development conservations out of the OEDIT and maybe the revolving loan fund. No one is doing this at the present time.

Commissioner Martin – just outside of Fruita there is a removal of Tamarisk on BLM land as a pilot program as well using some folks out of the Mesa County Detention facility. There weed management person is the supervisor and spraying when the material is cut. They are also looking at what can be done.

Dale mentioned having Bobby Johnson, the Warden at the Rifle Correctional Facility and on the Community Corrections Board as well as being the overseer of the swift program which provides the inmate labor for that.

Commissioner Houpt – bring BLM into the discussion as well as a resource.

Commissioner McCown – we have to remember that this fuel source would have to be transported to a specific point and that will be a considerable expense.

Steve said the swift team scheduled for a few more days to chip the Tamarisk.

Weed Management Board Appointments

Steve explained that the three new applicants own more than 40 acres of land in Garfield County and according to the weed laws of the State you have to have the majority of your regulars, 4 out of the 7 who own 40 or more acres. So if the Board adds these three with Thad Nieslanik we would meet that requirement. The letter from Walt is in the mail requesting to be reappointed. He's the only one up for re-appointment. There are 3 additional member needs in addition to Walt.

Steve will be working with Ed in contacting Silt and New Castle and try to get those municipalities on board.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to re-appoint Walt George, Janet Olson, Marla Porter and Diana Vagneur to the Weed Board.

Chairman Martin requested each be notified by phone or letter. They have contracted him numerous times and shown a great deal of interest in becoming a member.

In favor: Houpt - aye Martin - aye McCown – aye

- ***Accounting - Out of State Travel Request – Patsy Hernandez***

Patsy Hernandez submitted requests for out-of-state travel for the following to attend the Government Finance Officers Association Conference in Montreal, Quebec, Canada from Friday, May 5 through Wednesday May 10.

- Patsy Hernandez - $2,094.00
- Bob Prendergast - $1094.00
- Cathleen Van Roekel - $1,540.00

Pasty advised the Baord that the funds for the travel were included in the 2006 budget.

The Association includes Canada and that's why it's held in this Country. These three people do not have a great deal of government finance background.

The pre-conference begins on Friday and have enough value for attendance.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the out of state for Patsy Hernandez, Bob Prendergast and Kathleen Van Roekel to attend the annual Government Finance Officers Association Conference in an amount not to exceed $5,728.00.

Chairman Martin noted the vote of confidence in the remaining crew while the three are away at this conference.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Oil and Gas - Antero Resources Request for Drilling Pad on Airport Property – Steve Fontenot***

Chairman Martin clarified that this is a well pad that is on Garfield County Airport property however Garfield County does not own any mineral rights, the City of Rifle owns the mineral rights. The City of Rifle wants to proceed to extract the mineral rights out of the County Airport. He explained that this is not oil and gas development for the County. This is at the far end of the County property and does not interfere with Airplane traffic.

Steve Fontenot was present and presented some maps regarding the proposed site. Jesse Smith and Brian Condie met with Steve on the site location.

An agreement to lease mineral rights held by the city of Rifle to Antero Resources Corporation proposed at the Airport site in Rifle on land owned by Garfield County. The Rifle City Council heard the request at their meeting held January 25, 2006. This is contingent on approval of the FAA.

Jesse explained that this will be a 65 foot Italian rig that is proposed being used. Lights may be an issue. FAA will look at this – 1 to 7 ratio as you move out of that safety ratio.

Commissioner McCown – this doesn't seem to be a problem; he looked at the proposed site and it is at the far end of the property.

Ed – discussions have been held regarding where the pipeline should go in relation to the runway project and utilities.

Steve – a future ditch route was discussed and it goes through the middle of this pad and possibly rerouted to the original ditch.

Don – we should have a surface use agreement that incorporates the terms that the Airport is concerned with and bring this to the Board and then get approval subject only to FAA approval. Those negotiations between Antero and the County be brought to a conclusion rather quickly on the surface use agreement in order to get this before the Board.

Commissioner McCown – this pad will not have any effect on the ditch as it is today. When the County takes action and lowers the road in the future for the Airport improvement project, at that time the ditch problem will need to be addressed. This pad does not in any way affect the on-going use of that ditch.

Steve will be in touch with Carolyn Dahlgren who will contact Brian.

Chairman Martin – put the agreement into legal and it will come back before the Baord and the Commissioners will make a final decision.

COUNTY ATTORNEY UPDATE – DON DEFORD

- ***Lease - Consideration/Approval of 2006 Lease – LoVA – (Henry Building Office Space)***

The lease was submitted to allow the Lower Valley Trails Group, (LoVA) for approximately 470 square feet identified as Suite 206 within the Henry Building at 144 East 3rd Street, in Rifle for a term of January 1, 2006 through December 31, 2006 at a rate of $3,710.00 annually.

Larry Dragon stated they are in the building but do not have a lease.

There was a lease in place for 2005.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the lease between the BOCC and Lower Valley Trails Group at the Henry Building for 2006 and authorize the Chair to sign.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Trails - Consideration/Approval of 2006 Planning Services Contract – LoVA***

Larry Dragon was present. The Contract for 2006 Planning Services with Lower Valley Trails group (LoVA) was submitted for services for the South Canyon Trail Project Coordination, future trail development, local development and support, fundraising development and support and general operating expenses not covered by in-kind donations such as audit, insurances, telephone, office equipment and supplies internet services, etc. and off-setting rent for an amount of $38,710.00.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the 2006 Planning Services Contract with LoVa and authorize the Chair to sign.

In favor: Houpt - aye Martin - aye McCown - aye

- ***Trails - Consideration/Approval of 2006 memorandum of Understanding – South Canyon Trail – LoVA***

Larry Dragon was present. The Memorandum of Understand for the South Canyon Trail for the Lower Valley Trails Group (LoVA) was submitted for the approval of the Board.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the memorandum of understanding on the South Canyon Trail for LoVA and authorize the Chair to sign.

Don acknowledged this was budgeted for 2006.

In favor: Houpt - aye Martin - aye McCown - aye

Larry mentioned that by the first part of March they should be holding community meetings on the design.

Larry stated that he had a discussion on Friday with Dave Will of the trails group and they will get together with Mike Hermes from RFTA and have some recommendations. Janet Aluise from Silt will also be included.

Executive Session: Litigation Update; Legal Advice

Don stated the session will include: Pending Matters in front of the Board of Assessment Appeals also involving the Assessor as a current issue concerning legal advice on the re-evaluation of Oil and Gas properties in Garfield County; discuss the litigation involving EnCana violations for the Detrick and Amos water wells; the up-coming hearing concerning EnCana's request to lift the moratorium on Divide Creek; COGCC litigation involving Presco; legal advice concerning a request by Barrett Resources to relocate already approved well sites within the moratorium area; legal advice concerning application of the Zoning Code to recent placement of water treatment facilities by Barrett; legal advice concerning a BLM split estate, rule proposal; DDA litigation; Pine Stone litigation; legal advice concerning an upcoming matter for this afternoon; and legal advice concerning the status of the LoVA Trail; and legal memorandum regarding the FairBoard and subsidiary committees.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session and discuss a portion of what the County Attorney alluded to. Motion carried.

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

- ***Assessor - Approval of Board of Assessment Appeals Stipulations***

Docket #45487 – Village Homes of Colorado

Docket #44843 – Weingarten Miller Glenwood, LLC

Docket #44842 – Glenwood Meadows, LLC

Action taken:

Don stated I would like the board to consider authorizing both myself, the Chair and the Assessor to enter into the agreements for stipulations in matters in front of the Board from the Board of Assessment Appeal as list in the agenda.

Commissioner McCown – so moved; Commissioner Houpt – second.

In favor: Houpt - aye Martin - aye McCown – aye

Barrett Resources – Placement on the Water Treatment Facility

Don introduced the public discussion on a question of the placement on the water treatment facility both the Barrett Resources and Brian Mackey from the Oil and Gas Commissioner are looking for input from the Board of Commissioners.

Representing Barrett – Scott Denato

Don outlined the problem we're facing. Barrett has constructed a pit with a water treatment facilities and that has been permitted initially by the Oil and Gas Commission, the permit was based on a variance to the OGCC regulations, all parties had, it has escaped them that there is also a Garfield County land use or zoning regulation requirement for Special Use Permit for this type of facility, so after that was discovered Brian suspended the permit that he had issued and I talked with Dwain Zabadel and they have suspended operations at the pit pending further input from the Commissioners and that's why we're here today so the Board can give us direction on how you want them to proceed.

Scott Donato with Bill Barrett Corporation asked the Commissioners what you would like to hear specifically, how the pit will be used, or the history for it or, I know Tresi's aware of some of it.

Commissioner Houpt – I would like to specifically know what the status is of the pits that were being skimmed.

Scott – the status of the pits that received notice of alleged violation from the Commission have all been remedied and those NOB's have been passed back to the Colorado Oil and Gas Conservation Commission. We still have excess water that we're dealing with based on the same problem that the oil in the pits occurred from and that's what we would like permission to utilize the pit on the Guccni property for on a short term basis. So there's still a water volume problem we have, we remedied the oil in the pit problem though, we still have small occurrences of that.

Commissioner Houpt – have you received input from the homeowners around the area about how that remediation has worked out?

Scott – not specifically but we haven't had any complaints either. Talked to Beth Darnasky and she was at the GAV meeting about some odor issues and we explained to her what that was probably occurring from and she seemed cool with that. Other than that no other conversations.

Commissioner McCown – I guess the problem that I'm having Scott and we're in a unique position, I don't think that you are asking for and I don't think we would be able to allow you to violate our zoning regulations. Whether this is in the best interest of everyone involved or not there's still a process that we have to follow and that would be, if this particular pit is outside the scope of the COGCC as far as a pit for a specific well, it this is going to be handling products from multi-wells for instance, it has to be permitted as a treatment facility, as a production pit basically is what it would encounter. The hydro carbons or whatever are skimmed off, the good water goes into the pit, you reuse the pit in your drilling operations and I am in full support of that type of operation because you are conserving water, but in order to do that you have to go through the Special Use Permit process and there are policies in place on how that has to happen. I don't think that's going to help you for the short term because of our schedule you're looking at least a minimum of 90 days if we hear and it doesn't go to the Planning Commission, so I don't have an answer to give you back today as far as your problem on handling the excess water you're encountering from the wells in that area which we know is prevalent but all I can tell you is that it can't be pit under the current circumstances.

Scott – asked to explain it, it sounds like there is not a release there but just so the Commissioners understand exactly what's going to or what we're asking to be able to occur there, this is a pit on a pad where we're going to drill a well in a month and one-half or two months. It's a lined pit, we would naturally bring, if it was just for the one well, like you suggested, we would be brining water in there; in this case we would be skimming it, it would need to be skimmed and that's what we're finding we have to do to keep the oil off the pit and that water would sit in that pit until we're ready to drill. The only difference being is that then want to take some of that water and haul it off from there to use at other pit, or other wells that are going to be drilled or completed, so I understand where you're saying that now it's not for just that individual well on the Guccni location but the fundamental difference is pretty small and we didn't know at Barrett if there was any sort of obviously what we looked from the Commission was a variance of their rules and I guess we would ask for the same thing here if that's available. If it's not, then its not. Commissioner McCown – I personally don't have a problem with you hauling the water that already in that pit out to other locations on that property and utilizing it but I do have a problem if you continue bringing water to that location and processing it.

Commissioner Houpt – well and I don't see the difference.

Commissioner McCown – well, I know you didn't, I'm just saying how I feel about it.

Scott – we will continue to bring water to that pit for use at that facility doing exactly operation.

Commissioner McCown – once that rig's on site that's outside our purview that becomes a part of the finite line that we have to walk.

Commissioner Houpt – and as far as I'm concerned that is the use for that pit unless you go through the Special Use Permit, the water for that site, not moving the water around to different areas.

Scott – correct. No water was moved off in between the time that Brian gave the original variance which was about 7:00 p.m. and about 6 a.m. when he revoked it. None of that has occurred and yeah that's the only difference, what we would have to do going forward is, not sure if Diane showed you the system set up that we have out there, it's about basically 5 large tanks including the open top frac tank that's there, lighting system, etc. all that will basically have to be uprooted, moved to the next site, moved to the next site after that, etc. Sounds like even though that's more complicated for us and probably something that maybe the County would look at and say we're rather not see you go through all that either, sounds like maybe the rules require that's our only option.

Commissioner Houpt – well no, going through the Special Use Permit process is your option.
Scott – but in that timing though, hopefully the problem has gone away.
Commissioner McCown – well, depending on the number of wells you're going to drill in that close proximity, maybe one pond, or one pit could be permitted for that area and serve several wells.
Scott – it's probably not a bad idea to have it whether we need it or not.
Commissioner McCown – that's your call.
Chairman Martin – and the end result seems to be very favorable especially to the neighbors and what have you from smells and on through, the process seems to be working very well.
Scott – not sure what Diane told you but it's darn good looking water when it comes out of that treatment system and the only problem to use is moving that treatment system is pretty costly and moving a lot of big trucks down the road that we normally wouldn't have to if we were able to do it at that one pit.
Commissioner McCown – how many wells are you going to develop on this property?
Scott – 4 wells probably. We'll drill 4 wells, complete 4 wells there and then move off there.
Commissioner Houpt – you could do all that work while you're doing the special use permit process.
Commissioner McCown – yes, that's the downside to it Scott.
Chairman Martin – yes the permit needs to be there.
Commissioner Houpt – but it would be there by the time you completed those wells which is under COGCC purview.
Scott – again, not a bad idea to have it just in case, we're hoping at that point we've got enough drilling pits build there, completion pits built and lined at new upcoming facilities where we're going to do drilling where we can trans that water, sort of stay ahead of ourselves where we haven't been able to until this. But if not, it would nice to have that as a fall back place to store some water and do those kinds of things as well.
Commisisoner Mccown – it would be a shorter haul from a County standpoint it would be a lot less road impacts than hauling all the way from the river.
Scott – the river is actually close to that location but further down the road for sure. And we're still going to transfer and reuse that water – that's a benefit for us not having to buy water obviously and certainly to the environment and not using additional water and we want to do that and not dispose of that water if we can. It's sort of a juggling act at times and we sort of ran into a problem of not juggling very well there, right before Christmas and ran into the problem that we have. Other issues have complicated that as well, but going forward knowing this is our only option what we will do is try and stay ahead of it with those drilling pit on future drilling sites and as needed we will move this treatment system and I'm told if we had to we would build a second treatment system and be able to move two of them and shuffle hose around to again keep the water that's going to be sitting on these location in good enough shape that there won't be the complaints that we have.
Commissioner Houpt – you'll need to get a special use permit for that treatment system too.
Scott – no, again this is just for water on those sites.
Commissioner Houpt – so what happens if you have the same occurrence that you had in December where you have ponds that need to be skimmed and you need a place to treat that.. Scott – I can explain what we're doing different now if you'd like to hear it but what we're hoping is that won't happen because of the way we're producing that water now both during the drilling and then more importantly on the completions to prohibit that from happening. That's not to say you won't get some on there but hopefully we won't have the issue where an entire pit covered with mud. If that were to occur we also have a little crack in the whip for contractors where we're retrain as far as letting us know, they don't seem to think it's a very big problem and so part of the problem is that we wouldn't hear about it until days after and with the cold weather, that oil would paraffin and basically freeze up and not only had we not notified the Oil and Gas Commission and they found out on their own; we also couldn't get it off as readily as we could than when it first gets on there. But hopefully with the free base separators we're using, the problem won't occur certainly to the degree that it did before.
Chairman Martin – it is a hardship, we realize that, it is to everyone.
Scott – in the long term, we are looking to find a place for a permanent facility, we haven't identified that yet but we're not looking at the sort of facility that EnCana has at this time, we're more looking at exactly what we're talking about here, a storage and we call it conditioning, don't know if that's a less onerous term for folks but its basically skimming oil off in these tanks, closed tanks, final tanks open, really is a final check to do a visual check before it's put back into a pit, but it seems to be working really well and apparently the odor problems aren't too bad.
Chairman Martin – so we understand. Thank you for coming up with new ideas.
Don asked the Board in terms of direction to Brian Mackey, he was also asking what you expect from the Oil and Gas Commission, will any hauling of water permitted from the position of the County Commissioners, I'm hearing not.
Commissioner McCown – no
Commissioner Houpt - no
Don - This will answer Brian's question.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Dwyer, Lynn & Patrick - Authorize the Chairman to Sign a Resolution and a Permit of Approval for a Special Use Permit for an ADU – Richard Wheeler
f. Overview Subdivision – Authorize the Chairman to sign a Resolution of Approval for the Preliminary Plan – Richard Wheeler
g. Battlement Mesa PUD –Stone Quarry Commons – authorize the Chairman to Sign the Final Plat – Lots 5-1 and 5-2 – Richard Wheeler

h. Minutes – Approval for November 14, 21, and December 5, 12, and 19, 2005 – Mildred Alsdorf
Mildred Alsdorf asked for direction on the SIA listed as Item g.
Remove b & c and g to be discussed separately.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a –d, and e.
In favor: Houpt - aye Martin - aye McCown - aye

Item G – Chris Cole and Mark Bean

Represents the application for final plat – BM – have negotiated and signed an SIA Agreement subject to Assistant CA and Richard Wheeler – reached agreement and Tom has signed on behalf of BM Partners.
Mark – aware of the reviews and acknowledged error on staff not to include the SIA.
McCown –approve the Final Plat on (g) and SIA and authorize the Chair to sign.
Houpt seconded. In favor: Houpt – aye; Martin – aye; McCown – aye

PUBLIC HEARING:
ABATEMENT – NATIONAL FUEL CORPORATION AND RIFLE GAP LAND COMPANY – SHANNON HURST
National Fuel Corporation - Schedule 0901700

Shannon Hurst and Sean McCourt was sworn in.
Sean said this is an Abatement for the National Fuel Corporation, one of the smaller outfits in our County. We have a history of abatements coming back and claiming net back expenses. This is a case where a tax agent that never took them and they were small. Companies that are not net backing are encouraged to do this and we even take the liberty of net back for companies in the past to prevent something like this. We had a change in policy the last few years and that means if they aren't going to net back, then we're not going to do it for them and they have 2 years to correct it and if they don't then that makes money for us. This is what happened with Bruce Cartwright. He provided the documentation and it was looked over. There were three drafts and got it down to the current number. We're recommending acceptance of it.
The Assessor's office is recommending abating the taxes for 2003 and 2004.
2003 - $12,239.21; 2004 - $13,808.67 and 2005 – 12,076.77/
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
Commissioner McCown moved we approved the two petitions of refund on Schedule O901700 for 2003 - $12,239.21; 2004 - $13,808.67 and 2005 – 12,076.77 and the Chair be authorized to sign.
Commissioner Houpt seconded. In favor: Houpt – aye; Martin – aye; McCown - aye

Rifle Creek Golf Course – Schedule R210666

Commissioner McCown identified a conflict as he is a member of the Rifle Gap Land Company Board. Therefore he will recluse himself.
Shannon Hurst and Barbara Clifton were present.
Shannon explained that this schedule does include the Clubhouse.
This is a complicated exemption. Originally this was made taxable due to no current lease with the City of Rifle. The Assessor's Office put them on as taxable; they applied as a charitable organization and that didn't fly; Barbara Clifton and her law firm of Leavenworth & Karp, P.C. got involved and stated the case whereby no lease it carries over on a year to year basis. Shannon and Don DeFord discussed this and agreed that we need to abate these taxes based on that case.

Shannon explained that the taxes were not paid and this went back to the Division of Taxation who had it for 3 years. A letter was attached to explain. Shannon stated they are also not abating the value of the Clubhouse in order to be equitable and treat them the same as the Glenwood Golf Club therefore, they are not abating those taxes.
There are two abatements for each schedule
2002 - $21,496.29; 2003 - $19,227.81; 2004 - $17,336.35; and 2005 - $15,241.88
.

Rifle Creek Golf Course – Schedule R210754

This does not include the Clubhouse.
2003 - $ 5,348.80; 2004 - 4,822.64; 2005 – $4,256.92

Shannon understands they will get a lease in place for the documentation
Don – involved – opinion was reviewed, the hold-over lease constituted one year and met the requirements to meet the exemption that we are discussing.
Commissioner Houpt moved to close the public hearing; Commissioner Martin seconded; motion carried.
Commissioner Houpt made a motion that we approve the abatement, Schedule R21066 with the following abatements for the years 2002 - $21,496.29; 2003 - $19,227.81; 2004 - $17,336.35; and 2005 - $15,241.88 and the Chair be authorized to sign. Commissioner Martin seconded. In favor: Houpt – aye; Martin – aye.

Commissioner Houpt made a motion that we approve the abatement, Schedule RF210754 for the following years 2003 - $ 5,348.80; 2004 - 4,822.64; 2005 – $4,256.92 and the Chair be authorized to sign.
Commissioner Martin seconded. In favor: Houpt – aye; Martin – aye.

Continued Executive Session

EnCana – Moratorium, Presco Litigation, Barrett Resources on relocating wells in the moratorium area; BLM split, DDA Litigation, Pine Stone, upcoming zoning public hearing later this afternoon, LoVa trail and status of the airport.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session and discuss a portion of what the County Attorney alluded to. Motion carried.

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

PUBLIC MEETINGS:

PLANNING COMMISSION – APPOINTMENTS – FRED JARMAN

Richard Neiley, Michael Sullivan, Bruce Jensen, R. Glenn Vawter, Thomas Barnabie, Sean Martin and J. D. Sturgill submitted letters requesting consideration to be appointed to the Planning and Zoning Commission.

Bob Fullerton requested to retain his appointment.

Chairman Martin responded that a decision was made previously by the Board to not have attorneys on the planning commission because they did not want to have conflicting opinions on land use matters.

Commissioner Houpt stated she has a difficult time understanding why we would not allow attorney when we allow contractors, developers, realtors; people who are also intimately involved with the business of development in this County.

Don DeFord was asked for his thought on not allowing attorneys to serve on the Planning Commission when we allow real estate and developers being involved.

Executive Session

Don requested an executive session to provide the Board with legal advice as it does involve appointments to a Board and it is in the nature of legal advice. Don also requested to provide some follow-up to two items previously discussed in executive session this morning.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session and discuss the three items discussed by the County Attorney.

Don identified Mark Bean as being needed in the discussion regarding planning commission appointments.

Motion carried.

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

Motion to fill two planning commission members

Commissioner Houpt made a motion that we appoint as associate members to the planning commission Michael Sullivan from Glenwood Springs and Sean Martin from Carbondale. She added that he was a younger member and was encouraged to see someone so young applying to serve on this committee.

Commissioner McCown said we were standing 4 – 4 east end/west end and he could support one or the other Sean or Michael, I like Sean's letter as well and would support him but will battle for someone from the west end of the County to keep the balance and Bruce Jensen as an associate member.

Commissioner Houpt – agreed to amend her motion to appoint Sean Martin and Bruce Jensen. Commissioner McCown – seconded.

Chairman Martin requested a letter be sent to all those applying and suggesting they submit a letter of request again next year.

In favor: Houpt - aye Martin - aye McCown - aye

OAK MEADOWS RANCH PUD FILING 4, AREAS I, III, IV, VII AND GREEN BELT SUBDIVISION – OAK MEADOWS DEVELOPMENT CORPORATION – MARK BEAN

Ralph Delaney, Rob Delaney and Michael Gamba were present.

Mark Bean submitted the memorandum to the Board stating that in November 2004 the Oak Meadows Development Corporation requested an extension of the Preliminary Plan approval for Phase III of the Oak Meadows Ranch PUD, Filing 4, Areas I, III, IV, VII and Green Belt Subdivision. A letter submitted by Robert Delaney, Vice President is requesting an extension of time beyond the April 5, 2006 date.

Mark stated that Phases I and II have been completed and platted, but Phase III has not been completed. The Phase III has 25 lots remaining and with the extension of time, Mr. Delaney believes would allow the necessary time for what they believe will be an improved plan.

Mark quoted Section 4.34 – only one year for extension. This is for their second extension.

Ralph Delaney – completed the first parts and in the third phase and found some things that could make it better.

Mike Gamba has been retained to review Phase III. He said some of those improvements would include road alignment and basically resulting in a better phase of the development, impact on the environment.

Mark interjected said they are looking for an amendment to the Preliminary Plan approval and they are anticipating in the Code Rewrite process the process may be less cumbersome.

The present Preliminary Process does not have an amendment but the co rewrite does include one.

Carolyn – what makes it different from all other subdivisions? Asked the Board to make a finding if they determine a longer period of time.

Michael Gamba said it is common in the larger developments of this nature to allow for a 15 year build-out that is what's permitted. This particular development was allotted only 5 years for build-out and in that regard they would still is in the 15 year build out. The wording of the Resolution approving this particular allowed for 5 years and we're asking for a second extension to that and it will be up to 7 years.

Carolyn asked how many lots are in this PUD, this is important in the regulations.

Michael said in this particular PUD there is 85 total lots and in the Phase being requested for an amendment there is 25 lots.

Carolyn Dahlgren read into the record the current regulations saying that the development of 100 lots or less may be phased such that all lots are final platted within 5 years, developments of 100 lots or more may be phased over a period not to exceed 15 years.

Commissioner McCown – the key word in "may", it doesn't say "shall."

Commissioner Houpt – with that rationale in mind, they came forward last year for a year's extension and this year for your second extension and it would only put you at 7 years so would your plan be to come for a third extension so its at 8 years.

Michael would have to have the owners address this. He believes it is their intention to submit the amendment as soon as the Subdivision Regulations are amended and allow for an abbreviated development application and then proceed with the final platting of this phase in that order and doesn't anticipate another extension in a year.

Rob Delaney – we had to build a sewer plant and get the water system improved and did Beaver court and then Phase I and finished Phase II and guess they ran out of time in getting into Phase III in trying to complete the whole subdivision, our big concern was in doing it right and not cut corners in order to try to get this thing out there within the time period. In Phase II there was a lot of infrastructure to be taken care of, some walls and basically as they got through that they realized there were some topographical problems they would have in Phase III and rather than plunge ahead, would rather take the time review these changes amd make this thing changes and make this work better.

Ralph Delaney – we did a major amount of infrastructure and redid a large part of the water system including a 150,000 tank up on top and also putting in a waste water plant as well as doing Beaver Court Phase I and Phase II and we've been learning from the process with our engineering and in Phase II we engineered it to make it better and Phase III we hope to take what we've learned and we're not done with that process and are intent on moving with it in the next year.

Commissioner McCown made a motion that we grant a 6-month extension and in that motion I think we need to put some of the responsibility on Garfield County; these folks could very well have come in last year in April asking for this extension and be told that those new regulations would be done within a year and it will be easier for you to re-submit for your plan amendment and I accept part of the responsibility; I would have last April thought those regs would have been done too, so in my motion with this 6-month extension I'm going to put a little pressure on Garfield County staff and the Planning Commission to ensure that those get back to us by September and so that would allow for you to utilize the newer version at the end of your extension period so it would actually come due October 5th.

Commissioner Houpt so that's just a request to our staff that they work more diligently.

Commissioner McCown – no that's a deadline that we've put on ourselves. This was a one-year project that's turned into going on 3 years.

Commissioner Houpt – they want to do it right too and it's the same discussion we just had with these folks. When we redo the Code we need to do it right and I would want to hear from staff that they are confident that a September deadline would be sufficient and will support your motion for a 6-month extension but really hesitant to second a motion with that other contingent in it.

Mark – we are a point where the Planning commission actually this week is going to reinitiate their discussions and they have a rather aggressive public meeting schedule in the next 2.5 months meeting every other week. There intent is to get a recommendation to you sometime in May. Then it comes back to the Commissioners in terms of how long it will take to go through the public hearing process and where we end up.

Chairman Martin – it puts it on our head for the public hearings and the Code Re-write.

Commissioner Houpt – those are two different things and asked Larry to revise his motion.

Commissioner McCown – this is an incentive for them to finish it. And left the motion as is.

Commissioner Houpt – would not second the motion.

Chairman Martin seconded and said he has had so much frustration with this particular issue on the Code Rewrite as it was only going to take a year and now it is going on 3-years and hasn't seen the final document yet. It's still up in the air and hopes it will be very user friendly and my initial report is that it is not and it's very cumbersome and so I hope that we can have that it is easy to use, etc. and these folks can come back and use it as well as everyone else.

Commissioner Houpt said she is certain of a good code when it comes back to the Board because there's a lot of intelligent people working behind that document and have received a lot of comments from the public as well which is very helpful. She will support the 6-month extension but still feels it is inappropriate to attach an administrative policy to that motion.

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

Chairman Martin noted this was the specific finding of the Board on the question of the build out period.

Carolyn – this subdivision is different from all other subdivisions because of the new Code schedule.

PUBLIC HEARING: WADLEY, JEFF – CONTINUED HEARING FROM AUGUST 1, 2005 – REQUEST FOR A SPECIAL USE PERMIT FOR 2 – TWO FAMILY DWELLING UNITS – RICHARD WHEELER

Chairman Martin noted this was a continued public hearing.

Representative Julie Hanson from Beattie Chadwick, Jeff Wadley, Richard Wheeler and Carolyn Dahlgren were present.

Chairman Martin noted that this is a continued public hearing however he was going to swear everyone back in.

Jeff introduced himself and Julie Hanson and wanted to confirm that the Board did receive a letter that was hand-delivered last Friday to you.

Chairman Martin asked for additional exhibits since this is a public hearing.

Richard Wheeler stated that staff has not received the letter the applicant is speaking about.

Jeff submitted the letter to the Clerk for copies to be made.

Commissioner Houpt – had a copy of the letter addressed to the Water Association, dated February 3, 2006.

Richard wasn't in the office on Friday and did not receive a copy of the letter.

Commissioner McCown did not have a copy either.

Chairman Martin's letter was

Richard presented the following Exhibits for the record:

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 Compressive Plan of 2000
Exhibit F	Staff Report dated 8-1-5
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 7-24-5 From Patrick and Rae Ann Hunter
Exhibit J	Letter dated 8-1-05 From Kevin Cyr
Exhibit K	Letter dated 7-13-05 from Bruce Trujillo
Exhibit L	Additional drawings submitted by the Applicant
Exhibit M	Letter read into the record from Nancy Smith
Exhibit N	Satank Water Association Bi-Laws
Exhibit O	Letter received 9-6-05 from Gene Roberts
	Additional exhibits from the last hearing:
Exhibit P	Letter dated 9-21-05 from Satank Water Association *
Exhibit Q	Letter dated 11-14-05 from Jeff Wadley *
Exhibit R	The Improvement location certificates dated 9-8-05 & 9-15-05 for the subject properties*
Exhibit S	Letter dated 1-23-06 from the Sutank Water Association *
Exhibit T	Updated Staff Report dated 2-6-06 *
Exhibit U	Letter to the Water Association from Beattie & Chadwick, dated 2-3-06 *

* Denotes the new exhibits presented at today's hearing.
Chairman Martin referred to Exhibits A – O as the old exhibits and entered Exhibits P – U into the record.
Staff Report:
Richard – from the last time we had this meeting there are a few issues that need to be clarified. During the meeting the applicant did clear some issues as far, this will go back to just giving a brief overview of the application. This is a Special Use Permit (SUP) for 2 Two family Dwelling Units (Duplexes) requested by Jeff Wadley located at 1151 CR 106 and the other at 1161 CR 106 (Satank Road) in the Sutank area; they were permitted as single family dwellings and he's requested that these become two-family dwelling units initially there was some concern with the appropriate setbacks, some conflicting information, and in the Exhibits read in to the report today there was an improvement certificates for each one of the lots that were dated and stamped by a surveyor showing that the appropriate setbacks were being met with the existing buildings. The application, also during the last hearing, submitted information concerning adequate parking on the requested duplexes which would be for each duplex unit there would be four parking spaces required. Meeting the specific standards, it met the minimum lot size, it met the maximum lot coverage through additional submittals, they've submitted drawing rending the elevations being less than twenty-five feet initially meeting the maximum floor area ratios as we stated earlier. The parking requirements, the applicant has submitted information concerning individual sewage disposal, septic systems meeting engineering standards and the issue that we left off on was concerning water and I think that fairly clearly that the Water Association has rendered a finding to the Board of County Commissions stating that the Baord of Directors of the Association has concluded that the Association is not authorized to provide water to anything other than single family dwelling units. For that reason the Association cannot commit to provide legal water service to these structures that are being proposed at 1161 and 1151 CR 106 if they're converted into two family dwelling units. And the updated staff report based on this information is recommending denial of the applicant's request under the circumstances and under the evidence as presented in this application and these exhibits that there isn't a legal source of water to serve the duplexes as the applicant is proposing to use water from the Sutank Water Association.
No questions by the Commissioners.
Jeff Wadley – well basically at this point I'd just you to refer to that letter from Chadwick and Beattie and I would like to Julie Hanson take the floor and her representation at this point.
Julie Hanson – First of all I just came into this a few weeks ago so if there's anything from the past that I'm not aware of please feel free to fill me in. Jeff came to me to see if I could help him with his dispute with the Water Association. That dispute itself and the legal issues behind that really aren't to be argued here in front of the Commissioners as they have stated they will not provide legal service, although they have been doing so for many years. So at this point I believe what we want to do is ask for another continuance since I just came into this recently in order to work on the outlook of the Water Association.
Chairman Martin – that's the request at the present time instead of going forward.
Larry Green – on behalf of the Sutank Water Users Association and if Mr. Wadley would like a continuance of this hearing, I think that's in the Association's best interest and we would agree to it and I'll initiation discussions with Ms. Hanson. I didn't get a copy of her letter until late Friday afternoon so there hasn't been too much thought put into a response at this point.
Chairman Martin – the request to the Board is to continue. Do you have a date specific you would like?
Julie Hanson – the 180 days it was continued last time is probably more than enough time, maybe even 60 or 90 days.
Larry Green – suggested the last meting in March or he'll be out of the Country for 3 weeks and that would put it into May.
Julie Hanson – I would request May then.
Commissioner McCown – first meeting in May.
Carolyn Dahlgren – should we consider renoticing.
Chairman Martin – it is a continued hearing from there.
Carolyn – it is a continued hearing but it has gone on for an extremely long time so when we get down to the practically of making sure that people know when the hearing is being to be.
Chairman Martin – that is a good question but it is a continued hearing, and we've continued hearings prior to this as well.
Commissioner McCown – I don't have a concern other than looking in the audience I see the folks that the most intimately involved in this issue here today so I don't think we're going to circumvent that process by continuing this hearing and not noticing and that would be May 2nd.

Commissioner McCown – made a motion that we continue this hearing until May 2nd at the 1:15 p.m. on the request of the applicant. Commissioner Houpt seconded.
In favor: McCown – aye Houpt – aye; Martin – aye.

MOORE, JOHN AND LISA, CONSIDER A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT – RICHARD WHEELER

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. 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 2-06-06
Exhibit G	Application for the Special Use Permit - ADU
Exhibit H	Letter dated 11-10-05 From Robert Tobias
Exhibit I	Power Point presentation prepared by Planning Staff

Chairman Martin entered Exhibits A – I into the record.
Richard explained that this was a request for a Special Use Permit for an Accessory Dwelling Unit (ADU) for John and Lisa Moore on 35.19 acres located at 1230 CR 238

The applicant requests the Board of County Commissioners grant a Special Use Permit (SUP) for an Accessory Dwelling Unit (ADU) located approximately two miles north of Coal Ridge High School off of CR 238 – Slaughter Gulch Road. If approved the ADU will be the second story of a garage that is currently under construction. The subject property is Lot 1 of the Zelenka Land Survey, reception #499104. The property is a relatively isolated parcel in the Peach Valley area northeast of Silt. The proposed ADU and future residence is on a 35.19-acre parcel. The ADU will be accessed by an existing private drive from CR 238. An access agreement has been executed between the two interested parties; Robert Tobias and John and Lisa Moore. 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 trees, providing adequate screening from any adjoining uses.

If approved, the ADU will be the second story of the garage that is currently under construction. The applicant is proposing to live in the ADU while their primary residence on this property is being constructed. Afterwards, the ADU will be used for visiting family members. It is not the applicant's intent to use the ADU as rental property

As represented by the applicant, the proposed ADU will be less than 1,500 sq. ft. and will be the second level of the residence's detached garage. The location of the garage and 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 #245197. This well is permitted for three single-family dwellings. The applicant has not provided a well test to determine adequacy for the proposed ADU and residence on the property. Prior to approval of the permit staff is recommending the applicant submit the following well test information:

1. That the well produces at least five gallons/ minute;
2. That a four (4) hour pump test be performed on the well to be used;
3. A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
4. The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;
5. 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;
6. An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
7. The water quality is tested by an independent testing laboratory and meets State guidelines concerning bacteria and nitrates.

The applicant will need to submit the above well test before 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 amend their current building permit for a garage and storage to include an 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
1. 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.

John Moore – wants to start the home in the spring of 2006. The ADU is 500 square feet and will be used a primary residence during the construction.

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

Commissioner McCown made a motion that we approve the Special Use Permit request for an Accessory Dwelling Unit for a property located at 1230 CR 238, also known as Parcel 1 of the Zelenka Land Survey, Silt, Colorado with the 8 conditions proposed by Staff. Commissioner Houpt seconded:

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

PARACHUTE COMMERCIAL – CONSIDER A TEXT AMENDMENT TO 2.02.54 FOR ADDITIONAL INFORMATION TO YARDS - TEXT AMENDMENT TO ZONING RESOLUTION PROPOSED NEW DEFINITION FOR ONE BUILDING ON MULTIPLE LOT LINES – RICHARD WHEELER

Richard Wheeler, Carolyn Dahlgren, David Hicks, owner of Parachute Commercial LLC. 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	Proof of Publication
Exhibit B	Garfield County Zoning Resolution of 1978, as amended
Exhibit C	Garfield County Subdivision Regulations of 1984, as amended
Exhibit D	Garfield County Comprehensive Plan of 2000
Exhibit E	Staff Report dated 2-06-06
Exhibit F	Application for the Text Amendment
Exhibit G	Letter dated 1-5-06 from the County Assessor

Chairman Martin admitted Exhibits A – G into the record.

The lots are in the Travelers Highlands Subdivision and were identified in the public notice.

Richard explained that this is a Text Amendment to §2.02.54 made by Parachute Commercial LLC, David Hicks, Owner and Gerald D. Hartert, Attorney

The applicant is proposing to accommodate construction of a building over multiple lot lines. Currently the County Zoning Resolution does not allow a building to be built on multiple lots due to the fact that front, year and side setbacks need to be observed in relation to each specific lot. The only recourse is to amend a final plat and delete interior lot lines to create a larger lot that will allow a building that will fit within the required setbacks. The applicant is proposing a text amendment to §2.02.54 to add a fourth definition as follows:

The issue of narrow, long lots is addressed more often in towns and cities that have very old platted lots where the parcels have dimensions of, for the sake of example, 25'X125'. It is very common for one building to be placed on multiple lots. In the County there are a few areas that have been platted similarly and have created a situation that is rather difficult to place a building on. For example, Travelers Highland Subdivision and Cooperton Townsite (Satank). The County setback definitions do not recognize the ability to place a building on multiple lots without an amendment to the Final Plat.

The one major issue is the ownership of the lots where the building will be placed. Obviously, the lots will have to be held in common ownership and will have to remain that way for the life of the building. In effect the building placed on multiple lots will create an un-platted larger lot.

Richard stated this would be a text amendment County-wide.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the Zoning Resolution text amendment, as proposed by the applicant. Specifically, the section as stated in the Description of the Proposal (2.05.54 (4)).

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted unanimously to recommend **DENIAL** of the proposed text amendment for the follow reasons:

1. This proposed amendment would "cloud" the title work on the individual lots. The commissioners felt that having one building on several lots with separate title could create legal issues if one of

the lots encumbered by the building would be sold.

2. If an encumbered lot would be sold, this would create a zoning code violation in relation to the building and the appropriate setbacks. The commissioners did not want to create additional code violation enforcement issues.
3. This request would be for any subdivision in the county. This text amendment is not limited to just ancient subdivisions, but rather for the county as a whole. The commissioners were not certain what effect this would have on land use in the county.
4. The County already has regulations in place to allow a property owner to amend the final plat to create a large enough lot where a large building could meet the appropriate setbacks.
5. The assessor will continue to assess each lot individually. Even with a land improvement survey, the interior lot lines will not be erased and does not give "notice" to purchaser.
6. This request could affect septic and water well separation standards.
7. The proposed new land use code has provisions through an overlay district for ancient subdivisions that could take care of this issue.

Richard reviewed the Planning Commission recommendations for denial. The Assessor also has some problems with this proposed text amendment as well.

Shannon Hurst, Garfield County Assessor –She has a few issues with this because it becomes very had to monitor. If you have 3 marketable sites and you make it into one because the building goes across all lot lines, something needs to be recorded somewhere showing that, that's my opinion. We came up with the suggested of doing the improvement survey and it also becomes a real mapping issue, and think something needs to be signed saying, okay we're going to be putting this building over these three lots, we will not do any future boundary line adjustments so we can sell off one of the lots. This is a very complicated issue with a lot of far reaching implications for other areas in the county.

David Hicks –No. 1) this is a situation occurring in the municipalities and how they deal with narrow lots. In Glenwood – most of the houses are set on more than one lot. No. 2) Most of the closing/conveyances happen with the title company already and it would show up as a cloud on the title on a building that goes beyond the lot you're buying. Number 3) he's fine to limit this to a number of subdivisions if it would make it more palatable and didn't know how many subdivisions there are, staff brought up the Sutank area. No. 4) we talked of yes there is a process of amending the plat, it's cumbersome and I'd be in front of you multiple times for that; No. 5) I don't know how this process works currently in the city building across multiple lots but it should be the same process that a building permit would be issued by the County, the copy of the site plan would be included and that would tell them which lots are encumbered by the proposed new construction;; 6) water and septic would still be subject to the State and their regulations and then N0.7 it would be nice that this be addressed also in the revisions to the Land Use Code.

Richard – common in a lot of cities, but we are talking about septic and wells. Cities are most commonly on city water and sewer.

David Hicks – the goal is to minimize time in planning buildings on multiple lots because the lots are too small. Amending the plat require multiple public hearings. It is a common problem with older subdivisions and would save everyone. He owns 160 lots.

Commissioner McCown – if we are to approve this amendment we can not exclude it to your subdivision or list the two subdivisions that we would like to apply it to. It becomes a County regulation and subject to all subdivisions in the County.

Commissioner McCown made a motion to close the public hearing; Commissioner Houpt seconded; motion carried.

Commissioner McCown made a motion to deny the proposed text amendment and would support the Planning Commission reasoning, it may be cumbersome at this time, again, hoping to streamline that, I think the applicant has other remedies to address the lot line erasure and get the separation needed for the building and hopefully that process will become less cumbersome by October 2006, that's what I'm hearing.

Comissioner Houpt seconded.

Discussion: Chairman Martin – this is an interesting one because I do have properties that cover multiple lots myself in Glenwood Springs and a couple other municipalities. So it makes it difficult for me also. How and why did it happen, you buy property, it's the whole piece of property, not just individual lots through the description of sale.

In favor: Houpt - aye McCown – aye Opposed: - Martin - aye

BERGER, DONALD J AND JANICE S, CONSIDER A FLOODPLAIN SPECIAL USE PERMIT TO CONSTRUCT AN ACCESS DRIVEWAY ACROSS FOUR MILE CREEK – FRED JARMAN

Fred Jarman, Jan Shute, Donald J. and Janice Berger 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	Mail Receipts
Exhibit B	Proof of Publication
Exhibit C	Garfield County Zoning Resolution of 1978, as amended
Exhibit D	Applications materials
Exhibit E	Staff memorandum

Exhibit F Memorandum from the County Road and Bridge Department dated 1-17-06
Exhibit G Letter from Resource Engineering dated 1-31-06
Exhibit H Subsequent Floodplain analysis from the applicant dated 1-30-06
Exhibit I – Power Point Presentation

Chairman Martin entered Exhibits A – I into the record.

Fred explained that this was a Floodplain Special Use Permit to construct a bridge and culvert across Four Mile Creek located at 4451 County Road 117 (Four Mile Road) just below dead man's curve on the east side of the CR 117 and it is 10 acres in size. The Applicant proposes to construct a driveway across Four Mile Creek to access their property. In doing so, this driveway will require crossing two braids of Four Mile Creek requiring a culvert and a bridge to span the two sections of the creek. Four Mile Creek is a mapped floodplain which is regulated by FEMA and administered by Garfield County. Presently, the property has access from a neighboring property located off CR 126 (Black Diamond Road) just to the northeast. The Applicant states that the proposed driveway crossing Four Mile Creek will be a shared driveway providing access across the creek from Four Mile Road to not only the Applicant's property, but also the adjoining neighbor to the south. The official Floodway Map (FEMA) depicts the floodplain broken into the flood fringe (black) and the floodway (white). The area where the Applicant proposes to cross the floodplain is characterized by two channels of Four Mile Creek with an island in the middle. The floodway and flood fringe have been mapped in both the east and west channels. It appears the proposed driveway will cross both the flood fringe and floodway in both channels of the creek.

More specifically, the Applicant proposes to cross the east channel by installing a 4-foot wide culvert and large amounts of fill in the floodway and flood fringe. The Applicant proposes to cross the west channel with a bridge in order to span the floodway and flood fringe.

Staff referred the application to the following referral agencies and / or County Departments for their review and comment. Comments received have been incorporated throughout the memorandum and have also been attached to this memorandum.

A. US Army Corps of Engineers: No comments received other than previous correspondence provided in the application materials where the Corps indicated that no permit could be approved without approval by the County Floodplain Administrator by way of a Special Use Permit.
B. Garfield County Road and Bridge Department: Indicated that a driveway access permit to County Road 117 had been granted by the District 1 Forman. (***Exhibit F***)
C. Resource Engineering: Reviewed the project, conducted a site visit, and concluded that the analysis of the culvert / fill in the east channel is in the floodway and that the analysis does not adequately demonstrate that there will not be a 0.00 rise in the 100 year base flood elevation. (***Exhibit G***)

I. STAFF COMMENTS

The FEMA Floodway Map shown above depicts the floodway (white) and flood fringe (Black). The panel on the right also shows the location of the proposed fill and culvert crossing the east channel and the proposed bridge spanning the west channel.

The map below was taken from the Flood Plain Study completed in 1982, which mapped the base flood elevations in Four Mile Creek as tributary to the Roaring Fork and Colorado Rivers. The purpose of this map is to show, in slightly more detail, the boundaries of the floodway, flood fringe, and upland areas. Additionally, this map comports with the 1986 FEMA map on the previous page showing that both east and west channels of Four Mile Creek contain mapped floodways.

The proposed crossings are shown on the map to the right. The area inside the dashed lines on the map is the boundaries of the floodway. As measured, the floodway in the east channel is approximately 15-20 feet wide. The floodway in the west channel is approximately 45 feet.

The proposed bridge crossing of the west channel is shown to be approximately 42 feet long which Staff believes may not be long enough to entirely span the floodway as measured on the map above. Secondly, the proposed fill and culvert crossing of the east channel is located entirely within the floodway which is prohibited pursuant to Section 6.09.01(1)(A) of the Zoning Resolution which states the following:

6.09.01

(1) Prohibited Uses and Activities. The following uses and activities are prohibited in the Floodway:

(A) Encroachments, including fill, new construction, substantial improvements and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. If the technical evaluation satisfies the requirement, all new construction and substantial improvements shall be required to meet the performance standards set forth in Section 6.09.02(3).

As this section of the Zoning Resolution requires, no fill or new construction can occur unless the Applicant provides *a technical evaluation that demonstrates that encroachment shall not result in any increase (0.00) in flood levels during the occurrence of the base flood discharge.* No such analysis was provided or proposed for the fill and culvert crossing of the east channel.

The Applicant characterized the east channel as a "swale" which "carries water during high water flow rates. The April 23, 2005 spring runoff level was mapped and indicated minor standing water depth (less than 1.5-ft deep x 3-feet wide). It is proposed to cross this swale with a 4-ft diameter CMP culvert and fill section." Again, Staff points out that the "swale" is actually a FEMA mapped channel in the 100-year floodway and flood fringe and regulated such that the provision provided above applies to both channels and not just the west channel. As a result, Staff cannot recommend approval to the Board of County Commissioners for the proposed crossing finding that the Applicant has not satisfied 6.09.01(1)(A) of the Zoning Resolution.

In addition to a Special Use Permit from the County, the Applicant also needs approval from the US Army Corps of Engineers for cut and fill within the 100-year floodway to install the culvert and place the additional fill. The Corps provided a letter in the application that basically states they cannot comment or provide any permits to the Applicant until the Local Floodplain Administrator who administers FEMA regulations (Planning Director) has made a determination of approval or not. In this case, the Floodplain Administrator cannot recommend the Board approve the project based on both the east and west channel crossing designs.

The property does contain a building site reasonably safe from flooding. In fact, the building site is not located in the floodplain and the County has recently issued a building permit for the property. The subject of the Floodplain SUP is only the access to the lot across Four Mile Creek.

Staff has determined, assisted by Resource Engineering, the proposed development is located in the floodway. Further, Staff has also determined that Section 6.09.01(1)(A) has not been met. More specifically, this section of the Zoning Resolution requires, no fill or new construction can occur unless the Applicant provides a technical evaluation that demonstrates that encroachment shall not result in any increase (0.00) in flood levels during the occurrence of the base flood discharge.

Staff referred the Application to Resource Engineering for a technical analysis of the proposal. These comments are provided here (***Exhibit G***):

We recommend the applicant revise their submittal to confirm that the bridge spans the floodway and to address the floodway issue for the culvert crossing. We otherwise recommend denial of the permit for non-compliance with Section 6.09.01 of the County Floodplain Regulation

Upon substantive review, the application proposed a crossing that may or may not alter the carrying capacity of the watercourse. As stated earlier, the applicant did not provide a technical evaluation that adequately demonstrates that the encroachment (culvert / fill and bridge crossing) shall not result in any increase (0.00) in flood levels during the occurrence of the base flood discharge. This requirement has not been met.

The Applicant proposes to place development, fill, and construction in the floodway which is prohibited unless a technical evaluation that demonstrates that encroachment shall not result in any increase (0.00) in flood levels during the occurrence of the base flood discharge. The Applicant submitted a subsequent analysis; however, this analysis does not demonstrate that the encroachment shall not result in any increase (0.00) in flood levels. As a result, it cannot be determined that the bridge and or culvert and fill might become an obstruction which would adversely affect the efficiency of or restrict the flow capacity of Four Mile Creek so as to cause foreseeable damage to others. This requirement has not been met.

The Floodplain Administrator has reviewed the proposed crossings. Because it appears the proposed bridge is not long enough to fully span the west channel and the culvert and fill crossing the east channel is located in the floodway, the Floodplain Administrator cannot insure that the potential for flood damage by the 100 Year Flood is minimized, that all public utilities and facilities are located, designed and constructed so as to minimize damage by the 100 Year Flood and that adequate drainage is provided to reduce exposure to flood hazards. This standard is not met.

Not enough information was provided so that the Floodplain Administrator can determine that the bridge and culvert crossings of the east and west channels have been designed and are adequately anchored to prevent flotation, collapse or lateral movement, are constructed with materials and utility equipment resistant to flood damage, and can be constructed by methods that minimize flood damage. Again, it appears 1) the proposed bridge may be long enough to fully avoid or span the floodway in the west channel and 2) that the method of aligning utilities crossing both east and west channels are resistant to flood damage. This standard is not met.

Staff finds that for the above stated and other reasons, the proposed Floodplain Special Use Permit is not in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.

RECOMMENDATION

Staff recommends the Board deny the proposed Special Use Permit.

Michael Erion addressed the technical review and the floodway issues were explained.

Fred explained that given what we have this is not an application they can support.

Commissioner McCown suggested a bridge to expand it fully.

Applicant's history was given noting that he received a permit for a driveway in April and then to the FEMA to cross the creek. During the process of obtaining approval from FEMA, they met with Fred and Michael and admits it was a clear misunderstanding on his part. Based upon the response Donald Berger reevaluated how to get over this section and they are now proposing to go with a short span bridge over the floodway and a larger bridge over the larger span; however they only received the information on Friday. He would like an extension of time in order to come back to the Board to give them time to review.

Commissioner McCown made a motion to continue this until February 21, 2006 at 1:15 p.m. Commissioner Houpt seconded. In favor: Houpt – aye; Martin – aye; McCown – aye.

ELK MESA PROPERTIES – LOS AMIGOS RANCH PUD – TEXT AMENDMENT TO THE COMMENCEMENT DATE FOR PHASE DESIGNATION 3 – CONSIDERATION – (SUBMISSION OF THE PRELIMINARY PLAN) EXTENSION - DECEMBER 31, 2005 TO DECEMBER 31, 2008 – FRED JARMAN

Fred Jarman, Larry Green, and Gary McElwee, Project Manager were present.

Jan determined the public notice was adequate and advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Exhibits: Exhibit A- Mail receipts; Exhibit B – Proof of Publication; C – letter dated 12-3-2006 for extension and D – Staff memo dated 2-6-2006.

Chairman Martin entered Exhibits A - D

Fred stated this is a request to amend the text of the Los Amigos Ranch PUD located on a 1,703.058 parcel of land located in portions of Sections 35 and 36, T6S, R89W; portions of Sections 31, 32, and 33 of T6S and R88W of the 6th P.M.: more practically located approximately 2 miles southeast of Glenwood Springs off of CR 114.

Elk Mesa Properties, LLC, current owner of all unsold lots of the Los Amigos Ranch PUD, requests the Board approve a request to amend the phasing schedule of the Los Amigos Planned Unit Development such that the commencement date (submission of Preliminary Plan) of Phase 3 is extended from December 31, 2005 to December 31, 2008, (a three year extension).

You will recall the Applicant received approval from the Planning Commission and the Board of County Commissioners to extend the commencement date for the same phase in October 2003 from December 31, 2002 to December 31, 2005. This approval is memorialized in resolution 2004-05.

This request is identical to their recent request where the Applicant will continue to adhere to the completion deadline of December 31, 2010. This phase designation 3 is described as the 80 high-density single-family lots in the Lower Valley of the Los Amigos Ranch PUD. Staff has provided the approved PUD phasing plan on the following page. The Applicant submitted a letter requesting the amendment. (***Exhibit C***).

PUD PHASING PLAN APPROVED IN RESOLUTION 2004-05

Phase Designation (Preliminary Plan)	***Phase Designation (Final Plat)***	***Description of Phase***	***Commencement Date (Submission of Preliminary Plan)***	***Completion of Development (per Subdivision Improvement Agreement)***
1	A	Approx 38 lots on Road A and (1) lot adjacent to Filing 2	December 31, 1996	December 31, 1999
2	B	Approx 45 lots on road A near water tank and on Road B	December 31, 1999	December 31, 2002
2	C	Approx 45 lots through second draw, Road D	December 31, 1999	December 31, 2005
2	D	Approx 40 lots through third draw, Road E	December 31, 1999	December 31, 2008
2	E	Remainder single family lots, rural residential lots and neighborhood commercial	December 31, 1999	December 31, 2010
3	**F**	**80 high density single-family lots in Lower Valley**	**December 31, 2005**	**December 31, 2010**

STAFF COMMENTS

The present application requests a change in the PUD zone text extending the deadline for submittal of a preliminary plan application for that portion of Los Amigos Ranch PUD known as the "Lower Valley." No part of the Lower Valley has been developed to this date. The Lower Valley is across County Road 114 and topographically lower than the remainder of the PUD. The application does not request any change in land use or location of common open space for any portion of the PUD. The request therefore should not affect rights of owners or residents to maintain and enforce their rights at law or equity. This standard is met.

The request to extend the deadline for submittal of the Preliminary Plan for the Lower Valley is justified because the applicant has diligently participated in the construction of an expansion of the Spring Valley Sanitation District Wastewater Treatment Plant which was necessary to provide wastewater treatment service to development in the Lower Valley which has obligated 270 EQR's to the property. Additionally, the physical water and sewer lines have been extended to the property and are presently in place to serve the development when development occurs.

Based on this, it appears the applicant has consistently demonstrated its intent to develop the Lower Valley as provided in the PUD. The application requests only an extension of the time to submit a preliminary plan application for the Lower Valley, not a request to extend the completion date for development. As such, the requested zone text amendment is consistent with the efficient development and preservation of the entire PUD, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the PUD, or the public interest, and is not granted solely to confer a special benefit upon any person. This standard is met.

No fractional ownership is currently allowed within the PUD or proposed by the application. This standard is met.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends that the Board of County Commissioners approve the proposed text amendment of the Los Amigos Ranch PUD.

Commissioner McCown – clarified that we are changing the commencement date until 2008; completion date is staying the same at 2010 so we are accelerating this process from a 5 year development to a 2-year development.

Larry Green – correct. As to that one section of the Los Amigos Ranch, Phase III. Larry wanted to make sure the Board understand that the area is physical distinct from the rest of Los Amigos, this is the area on the downhill side of CR 114 and it was zoned originally for multi-families/high density/single family units; the major part of the Los Amigos Development the upside part of Road 114 and coming westerly has been developed in accordance with the original schedule approved in 1996 and this is the step-child project of the development. We've taken all the steps we can to install sewer and water to make this available and the market just hasn't been there to develop this part of the project so we're asking the date to submit a preliminary plan be extended to December 2008 with a completion date remaining the same.

Mildred Alsdorf requested that when documents or maps are turned in to be recorded that the maps show a cross-reference with Los Amigos Ranch to avoid confusion with a name change.

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 that we approve the amendment to the text of the Los Amigos Ranch PUD changing the commencement date and submission of preliminary plan from December 31, 2005 to December 31, 2008 completion date of the development remaining the same.

In favor: Houpt - aye Martin - aye McCown – aye

The Meeting dates for March were clarified: March 13, March 21, and March 27, 2006.

Commissioner McCown moved to adjourn; Commissioner Houpt seconded; motion carried.

ADJOURNMENT

Attest: Chairman of the Board

_____ _____

FEBRUARY 13, 2006
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, February 13, 2006 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 Chief 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

Judge Craven, Chief Judge of the 9th Judicial District stated that he came today to thank the Board for the concern and efforts in putting in the security system. The help given us is invaluable and the feeling of security it provides is incalculable. Someone came to me unsolicited and said that their take was that the overall feeling of satisfaction throughout the entire building has raised immeasurable and just to able to go to work and not have a nagging feeling of a lack of security is something I think all of us appreciate that you've given us. Chairman Martin – joint project – talk about photographs and displays for the Courthouse. John Martin and Judge Craven will be on the selection process. This Board has talked about doing that and believes the authorization has been given to move forward. Chairman Martin would like the Judge and someone from the historical society to be on that selection committee and dress up our Courthouse.

Judge Craven – just saw an historical item in the room, Marian Smith and maybe she has some ideal and he will check with her.

Taughenbaugh Building

Ed stated that the bid offer from last meeting was resubmitted for $373,000 and wanted to know of the Commissioners interest in selling the building since the bid price had been met. Discussion was also held with respect that Mike Morgan of the Rifle Fire Department is also interested in purchasing the land as well for Firehouse No.3.

Chairman Martin was aware of the interest from the Fire Department as well.

Commissioner Houpt – would like to hear more about the firehouse.

The board declined the new offer to sell the building.

COUNTY MANAGER UPDATE – ED GREEN

- ***Community Corrections: Construction of Community Corrections Facility – Community Corrections Board Building Committee – Dale Hancock, Jan Kaufman, Steve Reynolds, Guy Meyer, Ken Jaynes***

Steve Reynolds and Guy Meyer presented the Power Point.

Bobby Johnson, Jan Kaufman, Shawnee Barnes, Ken Jaynes, Doug Britten, Troy Bascom, Lynn Renick and Marian Clayton, members of the Community Correction Board were present in support of the proposal. Marian Smith, a supporter of this request was also present.

The Mission Statement of the Community Corrections Board is that we are an advisory Board whose mission is to provide assistance and advice to the Baord of Commissioners on correction matters that affect Garfield County.

The program history:

- The Garfield Community Corrections Program was initiated in September 2003;
- The program opened with four clients;
- The programs daily population has steadily increased to 32 clients;
- The program became a Licensed Intensive Out-patient and Out-patient drug/alcohol program in 2005;
- Currently the program accepts treatment referrals from both the Community Corrections Program and the Probation Department;
- The program only had two walk-away in the last 2.5 years;
- The program has averaged a success rate of 83% which is 18% higher than the state average;
- The program generates 85% of the total operating costs from state contracts and inmate user fees.

Collaborative Partners:

- Colorado Department of Corrections
- Colorado Division of Criminal Justice
- 9th Judicial Probation Department
- 9th Judicial District Judges
- 5th District Probation Department

Why the request for a new facility?

- The Sheriff has communicated he has a need for our current location;
- The program has been operating at capacity;
- 32 beds are full with a wait list of 6 clients;
- Allows the program to expand to meet the needs of the District;
- Cost of housing inmates in a Community Corrections facility is a far better use of taxpayer funds, (housing non-violent, non-predatory) offenders. DOC cost is $73.46 versus Community Corrections $35.39 per day.

Typical Offender Profile

- Has ties to our Judicial District

- Has significant substance abuse problems
- Lacks the necessary social skills to function in society
- Has not completed high school
- Has limited vocational skills
- Is not charged with a violent crime
- Has been screened by the Community Corrections Screening Committee. This Board is appointed by the Board of County Commissioners

District Needs:

- Total of 60 beds
- 50 male and 10 female
- Female Offenders: State-wide there is a shortage of beds to serve this population. The treatment requirements differ from their male counterparts due to their gender specific needs, such as relationships, victims of trauma and their caretaker role.

Proposed Site Location:

- Adjacent to the Garfield County Road and Bridge Department located near the Garfield County Airport.
- This is County owned property.
- The property is properly zoned
- Infrastructure has been previously placed on the site.

Recommended Action Steps:
The Community Corrections Building Committee respectively requests that the Board of County Commissioners
1) Issue an RFP for Conceptual Design
2) Direct County personnel to move forward on the project.

Discussion
Commissioner McCown – this program was started in 2003 and you're currently operating at 32 people yet you're only asking for a 60 bed facility, what period of time and just how far into the future are you looking for this to be an adequate facility.
Steve – one of the things we would like to include with the conceptual design is the ability to easily grow in the future and the 32 beds is what we have funding for so even if we built a bigger facility and say that we had people in our district that were appropriate for our program, but funding was available for Department of Colorado Judicial, we wouldn't be able to take those people. We have 32 plus 6 on our wait list is 38 and gives us room for 12 additional and that's a 30% increase plus adding the female beds. One of the things we would be hopefully doing that's an essential element in the conceptual design is to be able to extra beds as funding comes available and the need exists.
Commissioner McCown – pod type construction is what I'm assuming you're looking at.
Commissioner Houpt asked about the big change in location if it's moved from Glenwood to the Airport property which is not in a community and asked Steve if the committee has analyzed just how they will work with the logistics of the various issues.
Steve said they have attempted to address some of what we anticipate as issues arising from and believe the most obvious in that location will be transportation. One of the selling points of Community Corrections is that the clients work and help pay for their incarceration and continue with restitution payments and child support. As many as 3 additional full time employees may be needed to run a shuttle. As a side note to that particular piece of it, a lot of the construction companies a lot of the guys work for have their own shuttles and start in the Parachute area and pick up their employees; so the goal would be to get these clients close to a central location for pick-up.
Guy said one of the things he's currently looking at is using some current staffing and maybe changing some schedules to meet the needs. We have two vans used to transport the Workender's and we may be able to utilize these with some shift changes moving staff to a 4-day work week and accommodate that movement forward with any additional staff.
Commissioner Houpt with 3 additional FTE's my next question was what kind of budget adjustments would we be looking at when we have the new facility.
Guy said he's been more focused on using current staff to address that problem and heard recently that the bus runs out to Wal Mart and that would change the dynamics a great deal by just running the clients to Wal Mart versus all the way up valley. Most of the folks in the facility are picked up by either someone on the work crew that comes from the west end of the valley and it may be a non-issue. Another important aspect is that a lot of the work is moving toward Rifle and there's a good industrial area to find employment.
Steve – we're also looking at moving from 32 to 60 beds and that increases our revenue and hopefully it will increase the economics of scale so the idea with this 60 bed number besides being what is appropriate for our current situation now and in the new future is that when private prison vendors look at these types of facilities, 60 seems to be their number they use as a break even.
Ed –when you say conceptual design, are you guys also talking about the programming?
Guy – the programming is changing in dynamics as far as our community is concerned. We've just started working on our statistics for last year and one of the things that has jumped out at us already is the drug use - particularly meth use so an Intensive Residential Treatment (IRT) component is something we need to start thinking about pretty hard.
Ed – so you envision that as an integral part of your facility. Is it possible to use our captive architect engineer for the conceptual design which is Sopris Engineers and we have this firm under contract or do we need to go out separately.
Guy said he would talk to Randy Withee to be sure.

Commissioner Houpt – you had been looking at the Taughenbaugh building site in Rifle and asked Steve to elaborate on why you're now looking at a different site.

Steve – the committee was looking at both the Road and Bridge location on the Airport property and the Taughenbaugh operations and one thought we had initially was that the water taps and infrastructure at the Taughenbaugh site was going to be significantly more superior to running a facility than the Road and Bridge location which we have since found out is not as true as we thought. The infrastructure seems to be in place at the Road and Bridge site. The biggest issue remembered when discussions were ongoing regarding building the jail, was the acronym, NIMBI – "not in my backyard" and nobody wants it right next door. There are some residential area relatively close. The type of offenders we have in our facility are not the type of people who legitimately are dangerous to the community however there is the perception issue. So in order to be more expeditious and when running the cost analysis of the two locations, actually the Road and Bridge area came in a little bit lower so we went ahead and chose this location trying to avoid some of the populations resistance to opening a facility like this.

Commissioner Houpt asked if the committee saw greater obstacles in having it out by the Airport.

Steve – transportation is the number one concern. As these guys go from the residential program to the non-residential program, they still have to do day reporting where they come in and do urine analysis but they can still do that through the jail in Glenwood.

Guy added the changes would be they are under requirements that they have to meet such as coming in once a week, random UA schedule, they would have to meet us either at the facility in Rifle or we could satellite someone in the current office space and we could make that work.

Commissioner Houpt asked about the approximately prices.

Guy had Randy give some stats from the two recently built County buildings in the west end of the County and looking at those numbers construction costs were about $116.25 per sq foot and for 60-beds would we need about 7,000 to 9,000 square feet.

Commissioner McCown asked if Guy was looking at a kitchen facility or subbing it out.

Guy said that he is still interested in subbing this out.

Commissioner McCown hasn't talked to them, but the CEO for the hospital has been very receptive in the past to work with other entities on that kind of thing.

Guy said this would increase their buying power.

Ed said we would be looking roughly at about $1 million dollars and originally programmed $1.5 million into the budget and set aside $150,000 for the Child Advocacy Center so we still have about $1,350,000 for a major project this year.

Chairman Martin asked Steve to introduce the members present today. Marian Smith was present as a supporter but not on the Community Corrections Board and other actual members included: Troy Bascom, Shawnee Barnes, Bobby Johnson, Doug Britten, Ken Jaynes, Marian Clayton, Jan Kaufman and Lynn Renick.

A motion was made by Commissioner McCown that we move forward with the conceptual design and utilize our current architect we have under contract for this particular purpose. Commissioner Houpt seconded and because of the type of facility this are there any security issues or requirements from the State. Ed commented that is a dormitory type building.

Chairman Martin said the Corrections Board have checked out numerous facilities over the years in reference to the different facilities, how they're laid out and the board has done an excellent job and we have a very good program above and beyond the State standards and programming. I think we'll set the standard on this program.

Ed – once conceptual design in completed, I presume you would want to go design build on this.

Chairman Martin – yes.

Commissioner Houpt – we set money aside for an animal shelter and asked the status of that.

Ed – it's no where right now and he doesn't anticipate this coming to the Board this year.

Chairman Martin said they are still struggling with the group and what they want and how it will operate, etc. and they're working very hard and there's many passions on both sides of that issue but it hasn't gelled yet on a recommendation.

Commissioner McCown stated the animal shelter was not in the budgeting process for this year.

Ed said all that was included in the 2006 budget was for one major facility but didn't identify specifically what that would be. Next year the demands on the budget are going to be two-fold, one is the going to be the joint police/court facility for $2.5 million and the other is to begin the $20 million runway project that the County will be required to fund 5% so next year's requirement will be about $300,000.

Commissioner Houpt – this is an important project and always felt as it community corrections should be outside the jail facility, not inside the jail. It's exciting to see this moving forward.

Chairman Martin – and the only reason it was is just to get the program going, so hopefully we've taken the next step.

In favor: Houpt - aye Martin - aye McCown – aye

- ***Library: Restructuring of Library Positions – Jaci Sphuler***

Jaci Sphuler said the Library Board has been looking at library administrative seriously in the last three months or so with the announcement that I was leaving there were some skills sets that will probably not come on board with the next director and also looked at some of the tasks that the library director has been doing in the past. A lot of this is data base management, it is the systems management for our circulation software, the training for data base structures, it is a number of things including cataloging that as we move forward is taking too much of the director's time and not permitting the director to focus on some of the other issues that really need to be focused on especially as we are looking at possible districting. With that in mind we came up with restructuring the business manager position and eliminating that particular position and putting in an Assistant Director which would have the requirement of a library degree to take over all the systems work that we have in addition to being the assistant to the director as far as budget planning and other things that the current business manager is now doing. With that we would hire a 29 hour accountant to do the vouchers, manager the books and do the basic clerical accounting that needs to be done on a daily basis and that person would report to the to the

Assistant Director. In the last nine year, the library system has grown tremendously as far as employees and the amount of employees it takes to keep everybody in line and make sure that things are done. At this time, this is a natural progression and this taking all the interesting technical and clerical and putting it into the assistant director's position. In looking at the bottom line for this we're eliminating one position, adding basically 1.72 to replace it and come up with about $51,000 in addition to our budget that will be required in order to do this. We had originally thought that we would be doing this as of July 1st and we're pushing it up a bit closer.

Commissioner Houpt wanted to clarify that this had been discussed with the new director.

Jaci stated she has been involved and is accustomed to working with assistant directors and she is coming from larger systems and as a result it is very common for library's to have two people in administration at that level. The Library Board has already offered it to the current business manager contingent upon her completing her Masters Degree in the next few months. She's ready to go and as long as she keeps her grade point up they'll be ready to go with her.

Jaci said since this is a supplemental to their budget and wanted to make the Commissioners aware that this is what they wanted to do and that we will not go forward if the Board says, it sounds like a lousy idea.

Chairman Martin said they think reconstruction and putting your organization together the way the Board sees it is the reason we appoint the members of the Board. The library does have an increase in sales tax and noticed that this should be able to be covered with a supplemental and revenues should be there.

The Library Board offered the Director position to the current Business Manager and ready to go. A supplemental to the budget and won't go forward if the Board is not in favor.

Jaci was given thanks for her for the years of dedication. Flowers in a collector vase were given to Jaci.

- ***Travel: Out of State Travel Request for Randy Russell – Mark Bean***

Mark submitted the memo from Randy to the Board requesting that Randy Russell be authorized to travel out of state to Pinedale, Wyoming March 15 & 16. The memo states that Matt Sturgeon, Rifle's planning Director, has been asked by the Town of Pinedale and Sublette County in Wyoming to prepare a presentation at a workshop on March 16th in Pinedale, on the impacts of rapid growth to local jurisdictions and provide Colorado examples. Matt has asked Randy to join in the presentation and the two would be lunch speakers.

The workshop has numerous sponsors and contributors. The only cost to Garfield County will be Randy's time. The plan is to use a City of Rifle vehicle and lodging and food are provided by the workshop.

Randy stated that he plans to present how the Energy Advisory Board has worked, the SEIS and Land Values Studies, Housing study, Transportation Study and our Cooperating Partner experience, and some Code modifications that have come about or may come about as we deal with gas and oil shale issues (man camps, employee residence reporting, BMP's, etc.)

This area of Wyoming is facing similar growth rates in terms of well pads and wells to our own rates of growth. I think Matt and Randy can make a positive contribution there and may pick up some examples to prime thinking in return.

There was a change since the request was submitted and they will stay two nights in the motel and the plan is to leave the 15th and return the 17th.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the travel request. In favor: Houpt - aye Martin - aye McCown – aye

- ***Probation: Memorial Plaque for Ray Combest – Shawnee Barnes***

Shawnee Barnes, Chief Probation Officer for the 9th Judicial District presented the request.

February 24th marks the first year anniversary of Ray Combest's death and she is seeking approval for a plaque that we could put on the bench outside of the Administration Building window that would say something like, "Ray Combest, Chief Probation Officer with the years and then a quote that he was famous for saying – "20 Minutes of Sunshine a Day" and like to have this engraved. On the 24th the Probation Office can gather at noon and have time of memory of Ray.

Commissioners have no problem. Shawnee also thanked the Board for putting the security in the building. The staff feels safer.

February 13, 2006

- ***Procurement Code: Discussion regarding proposed amendments***

Carolyn stated the Board has made several changes in the Procurement Code that did not get reduced to a Resolution and there were a couple of decisions made that need feedback, one having to do with signature authority, contracting authority that you gave to elected officials and according to the motion is was not clear if it was to cover services and products or just products.

DSS Placement Contracts are an exemption from the Procurement Code. Lynn has state and federal procurement rules to operate under and for the most part when dealing with placement contracts over $10,000 it is usually a sole source provider. The Procurement Code needs to formally state that those placement contracts do not come under our usual bidding procedures and don't go through the contract administrator's office.

Also, clarification that those placement contracts need the Human Service Director's approval and either County Manager or Assistant County Manager's signature or they come to you. We had discussed the disposal of surplus property having to do with surplus property could go to other governmental entities but no formal action was ever taken. The Minutes from 2003 forward were reviewed and no mention of action. Once looking at the Code, Mary Lynn thought it would be better to rescind the entire document and start all over again and she can put it in a format easier to amend. The request today is to deal with changes from 2003 forward and this will come back before the Board with everything the Commissioners have formally approved and put it in a new format. Ed has made comments that he would rather have Dale as the general services administrator do some of the responsibilities that used to be assigned to the Assistant County Manager.

Jan Shute and Carolyn Dahlgren submitted in writing the proposed amendments to the Procurement Code and explained the changes. A synopsis of that memo follows:

The following amendments to the Procurement Code are:

A. Authorization for service and product purchases:

County Manager/Assistant County Manager	$10,000 or less
Elected Officials	5,000 or less
Contract Administrator	1,000 or less

B. Question:

Does the $5,000 authority for Elected Officials run to the purchase of products and services?
Or to products only?
Authority up to $5,000?
Who has signature authority in the event Elected Officials make a purchase greater than $5,000 up to $10,000?
Are Elected Officials required/requested to purchase office products through approved vendors?

C. Motion

2-101

A.1 – Duties and Responsibilities

* Obtain approvals from BOCC for procurement over $10,000.
* Obtain approvals from County Manager or Assistant County Manager for procurement more than $1,000 and up to $10,000.
**Obtain approvals from County Manager or Assistant County Manager for elected officials procurement of products more than $5,000 and up to $10,000.*
* Obtain approved from Elected Officials for procurement *of products* $5,000 or less.
* May approve procurement $1,000 or less

2-102

B. Contracts greater than $10,000 must have approval of the Board of County Commissioners. Contracts greater than $1,000 and up to $10,000 must have approval from County Manager or Assistant County Manager. Contracts for Offices of Elected Officials up to $5,000 must have approval of the Elected Official.

2-103

7. Any Procurement Order for goods or services up to $10,000	7. Contract Administrator and County Manager or Asst Ctn Mgr
9. Any Elected Official Procurement Order for goods *or services* up to $5,000	9. Contract Administrator & Elected Official
10. Any Procurement Order for goods or services not more than $1,000	10. Contract Administrator

4.101

A. Authority: The Contract Administrator is authorized to issue service contracts through the use of a Procurement Order for service efforts that involve a scope of work, including time and materials not exceeding $1,000 and the duration not to exceed 12 months. The Contract Administrator must obtain approval from the County Administrator or Assistant County Administrator for a contract that exceeds $1,000 but not more than $10,000. For an Elected Official's Office, the Contract Administrator must obtain approval from the Elected Official for a contract *for products* that exceeds $1,000 but is not more than $5,000.

PROPOSED AMENDMENTS

I. Replace Assistant County Manager's procurement approval authority with Director of General Services:
II. Clarify that the procurement codes does not apply to the Library:
III. Clarify Article I, Part B – Definitions
IV. Allow for purchase of services contracts without review by Contract Administrator: 2-103 add – DHS and Elected Official Offices in number 11.
V. Allow for DHS (Department of Human Services) placement contracts without review by Contract Administrator. 2-103 number 12.
VI. Clarify when telephone quotations may be used: 3-102
VII. Allow Elected Officials, DHA to purchase services (less than $10,000) without going through Contract Administrator: 4-102
VIII. Amend Sections 8-101 Bid Protests; 8-102 Supply Contract Claims, 8-103 Authority of the Contract Administrator to settle bid protests and contract claims, and 8-104 Remedies for Solicitations or Awards in Violation of Law, to replace authority of Contract Administrator with the Director of General Services and change title of 8-104.
IX. Clarify that the disposal of property section in this code does not apply when there are other disposal requirements set out for property purchased with Federal or State money.

Jan explained that on January 18, 2003 Don came before the Board and there was a motion to change this signature authority to $10,000 or less to the County Manager/Assistant County Manager; $5,000 or less to the Elected Officials and $1,000 or less to the contract administrator. We're now trying to make that change into the document and in that process a question arose how the Board wanted that to work with the elected officials, example does it apply to product and services and where does it go when it's in the $5,000 - $10,000, does it come back to the Board or does it go through Ed, etc.

Mildred stated that when she orders ballots it costs at least $10,000 or more. She also explained that printing of ballots have to be with specific printers that do ballots.

Ed mentioned that computers have to go through the IT Director regardless of price to make sure they are compatible with our system.

Chairman Martin emphasized that this is not to be used as a hammer but for better management to make sure they are compatible

Commissioner McCown – some of the State systems that Mildred uses as well as Lynn are outside this county system and he will support that directive with the exception of those on the State system.

Carolyn stated this will require a motion as it is different from the last one to cover up to $10,000, products and services and the BOCC is strongly recommending that the elected officials use the blanket bid for office products.

Commissioner McCown – any blanket bids we have in place for products or services, architect was an example.

Ed stated we have agreements for tires, etc.

Commissioner Houpt suggested adding a list of these blanket bids so that people have access to that and they know what's included.

Mildred suggested since there are changes that everyone be given a list every year of those available.

Commisisoner McCown suggested this to be posted onto the website as well.

Tim just emailed this vendor list out last week.

Jesse referred to the blanket bit for gravel as an example. The Board clarified that the vendor has been approved and x number of dollars to be spent so there isn't a purchase order.

Carolyn – the way the Code is written now, contracts, purchase orders are the same thing – no distinction and there's a blanket statement that anything over $10,000 is supposed to have approval by the Board.

Ed clarified this was a release of a contract that the BOCC had approved yearly the contract with a not-to-exceed amount and this is just a release against that.

Jesse – the way this is written it's not different.

Commissioner Houpt – we know where money in the budget is going.

Commissioner McCown noted then that every time a load of fuel was delivered to the Road and Bridge Shop, we would have to have a contract for delivery even though we have an agreement to supply fuel for the year at a price because it would exceed $10,000.

Carolyn – Airport and Building and Planning are two she is familiar with – every time there's a release to contract for engineering services at either place or a release to contract on construction at the Airport, if that amount is over $10,000 the BOCC chair signs it.

More discussion took place regarding this issue.

Mildred also has the same situation in her budget with ballots – she has an approved budget and she pays a vendor and shouldn't have to bring this back to the Board.

Carolyn stated they are finding out that the Code doesn't match reality.

Ed suggested creating authority to releases against negotiated contracts.

Commissioner McCown – the BOCC has been involved in the contracts and they've been approved and there is knowledge that they know there is $300,000 to gravel county roads. $10,001 goes on county roads on a specific county road we don't need to sign the contract to do the release for the expenditure.

Chairman Martin – this Board understands they are not going to exceed $300,000 per year and they use it where they need to use it.

Carolyn - the same thing with Building and Planning and Airport, they come to the Board with the initial contract but the individual releases to contract for specific projects do not need to be seen again.

Correct, only if there's a question on it.

Carolyn clarified – what about Mildred, if she has a contract for $9,999 the BOCC does not sign the contract, Mildred signs it – she still have to go through everything else in the Code but it's under her signature. What about services – if Mildred needs to hire some consultant at $8,000 - $9,000. The Board stated it would be the same thing.

Ed said that's because we have blanket agreements for that and we just talked about one this morning with Sopris Architects.

Mildred has the money in her budget and has signature authority spending money under her budget.

A new motion will be needed to cover up to $10,000 products and services and that the BOCC is strongly recommending that the elected officials use the blanket bid for office products.

Commissioner McCown – not only that but any blanket bids we have in place for product or services, i.e. architect.

Library Board – separate Procurement Code – no separate action was taken and the change was not made in the Code – this was in January 2004. Direction was not given to staff to change the Procurement Manual and Carolyn is asking authority to change this.

Commissioner McCown – suggested that Carolyn bring back the corrected version of the Procurement Code as the legal staff wants the Board to act on it and let us look at and then make a motion to cover it all under one motion.

Carolyn agreed but asked for direction from the Board on the other things in the 2006 Memo of proposed amendments.

On the 2006 memo the Board gave directions on the Library, but we need I (director/general services); III – (Ed had some changes he wanted on the pricing data); IV – discussed previously; V – (discussed); VI – Ed wanted to clarify when telephone quotations may be used; VII – we discussed and VII – Ed wanted some changes and Carolyn brought up the disposal requirements.

Ed explained the changes he was looking for. III – issue of pricing data – the key concern there is that it's sold in substantial quantities to the general public and wanted to include that reference in the text. People can come up with pricing that relates only to us. Saying we don't want to have a price pegged just to us and not general public. That goes back to abuses in the past where companies would set up separate pricing structure for the government to grouch the government basically and want to make sure the Procurement Code says "no you can't do that to us". Telephone quotes – want to make sure people look and see if there's an existing blanket agreement before going to the trouble of placing telephone quotes with separate organizations and that was discussed earlier. Section 5-11 – on pricing data and it says $10,000. The federal statue for that and include that because we have federal contract that we have to place on behalf of federal money that comes to us, the federal statute is $100,000 so the question is why are we setting a standard so much lower than the federal statute so we need to change that to be consistent. Then to the bid protests, there the bid protest claims and authority to settle protest, at that point it is important to elevate the responsibility rather than push it down because they are very

rare situation and emotionally charged and the organization can get in trouble quick if you don't have adequate review of those kinds of actions. Our original Procurement Process had pushed it down to the lowest level and Ed doesn't think that's appropriate. Commission McCown agrees.

Carolyn – asked if it was okay for Mary Lynn to reformat it and then we'll just bring you a list that says action needed.

Commissioner McCown – on the disposal of property, Section 10-101 – this shall be used, it doesn't go into how it shall be disposed off.

Jan confirmed that 10-101 is just the introductory paragraph and in the full paragraph adding in there just that anything obtained by a grant or something and there are other instructions on the disposal required as opposed to this Procurement Code. The section 10-102 – is the authority and sales.

The authority is currently with Tim for disposal of property even though it's more than $10,000 but the Board approves those actions for example vehicles sales. Tim accomplishes the final process and the Board approves.

Carolyn – the one outstanding issue that Ed and Jesse just brought up maybe some authority should be split between the Assistant County Manager and General Services Director and right now that's not reflected in here so we will figure that out and bring it back.

Commissioner McCown – back to Tresi's comment if that would the County Administrator's designee that's all it would take. It does get information to the public because it leaves the County Administrator in charge and that's where the phone call would go and he would be able to direct them on where to go as to who's overseeing that contract. He would like the flexibility for Ed to transfer that to the proper person.

Jesse – sometimes both Ed and Dale out of town and Jesse had to sign them because of the urgency of the matter.

Carolyn – this is more the bid protests. It was decided that all those bid protests should go to Ed and you have 30 days.

Ed – the other major change is releases and need a paragraph about how releases are to be used and encouraged folks to use the blanket agreements before they place another contract.

Chairman Martin – its communications and it's still cloudy but we'll work together.

- ***Rifle, City of: Consideration of approval of IGA for Information Technology Service***

The Intergovernmental Agreement (IGA) was presented and explained that the City of Rifle has determined that it has a need for an Information Technology specialist to provide IT services to various City departments and operations and various county departments and operations located in Rifle and both City and County have determined that it will be more efficient and effective for their operations to share in the cost of hiring an IT specialist to serve both parties. Both parties agrees to recruit and hire a qualified person for this position and both participate in the selection and hiring and the cost of the salary for this individual will not exceed $50,000. The person hired would be an employee of the County and subject to County supervision; personnel policies and pay plan yet provide work on behalf of the City. It will be a 50/50 split of the weekly schedule and is supervised by the Director of the IT department.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to chair authorized to sign the IGA with Rifle for the shared IT individual.

In favor: Houpt - aye Martin - aye McCown - aye

COUNTY ATTORNEY UPDATE – CAROLYN DAHLGREN

Executive Session: Litigation Update Legal Advice – potential sale of real estate owned by the County; Colorado Oil and Gas Conservation Commission; Barrett; Presco; update on a potential zoning code; Moratorium; Presco and update on potential zoning code

Diane and Mark are needed.

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

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

Action Taken:

Bill Barrett Position

Carolyn stated the legal staff needs a position from the Board on the proposal of Bill Barrett Corporation to relocate well sites previously approved within the "moratorium area."

Commissioner McCown said based on the recommendation of our expert Dr. Thyne who said he could come up with no reason to oppose this particular action, I would make a motion that we would not opposed on the action of the changing of locations of the Barrett wells located with the moratorium area.

Chairman Martin – seconded for discussion.

Commissioner Houpt – I have concerns about this and I think that the moratorium area use was defined differently by different parties and I know that the COGCC thought it was strictly for EnCana but I think the issue went beyond just business use and never did support moving in to the moratorium area and I don't support changing to new locations in the moratorium area until the hydrological study has been analyses. I also have concern about what kind of communication there might be between Barrett and the neighboring landowners and would want to know kind of new impact these new locations are going to have in that area.

Chairman Martin – in reference to Dr. Thyne which is the School of Mines and head of the geological division of that particular organization – world famous and we hired him strictly to make sure we got expertise and that he every bit of information and to bring any concern to us, he's gone over everything and recommends that we go ahead and not oppose simply because there is nothing to oppose that he can find. We have the list of things Bill Barrett has been ordered to do from the Oil and Gas Commission in reference to their requests and I just don't know what grounds we have to oppose any of these actions so we'll call for the question.

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

Carolyn – Bill Barrett's attorney has asked for a written position so that the attorney may represent your position in written form to the Colorado Oil and Gas Conservation Commission as part of their APD. With that, Carolyn asked

if the Board would like a letter prepared for the Chair signature and if so could we have a motion to authorize you to sign that.
Commissioner McCown – so moved; Commissioner Houpt – seconded.
Commissioner Houpt asked that the letter include the vote and the position she took.

COMMISSIONER REPORT

Commissioner Houpt – last Monday, the Humanitarian awards banquet; the RFTA board meeting on Thursday; met with Senator Salazar's office and the Forest Service on Thursday afternoon, and CCI on Friday. This week I'm leaving town and will be gone from Wednesday evening and will be back the next Wednesday.
Commissioner McCown – last week the Northwest RAC Wednesday and Thursday in Grand Junction and included the new election of officers and Jeff Comstock from Craig was elected Chairman and Jamie Connell was again reelected as the federal officer for the RAC. Three new members Claire Bastable, Dewayne Daley, and the director of the US Bank in Grand Junction were the three new members; this week on Thursday a meeting on the federal mineral lease activity in Denver at 4:00 at CCI
Chairman Martin – We had a request for the Humanitarian Group to pay for the framing, etc. in reference to the awards and if we haven't there is a need to follow up as a contribution. Last week to Rifle and thanked Linda, Ed, Patsy, Guy, Jesse and a lot of others in putting together the State of the County; I did that in conjunction with the mayor of Rifle at the same meeting although the press didn't give any mention about the County being at the meeting. The report is on line; also a safety meeting at Road & Bridge; met former congressman Scott McInnis in reference with issues with EnCana in Parachute on Friday, February 3. Had a TRP regional meeting on Feb. 9th 2-9 and talked about the earmark of the City of Glenwood Springs and $4.6 million dollars and I suggested after talking to the City of Glenwood Springs representatives to CDOT; also had a call into congressman Salazar's office and to take those funds and turn it into a positive for the planning region and also talked to the federal highways commissioner in charge of money to be able to transfer that to the planning region and we will see what happens and site with the City of Glenwood Springs.
Tresi asked what would be the time table for getting money in place for the South Bridge.
Chairman Martin – that would depend on the City of Glenwood, if they went for federal money or returned a payback from CDOT they would have to have their entire money in the bank before they could proceed. They need about $15M before they can go forward with the South Bridge is they use federal funds. Otherwise it is on the citizens to build it completely. Also the earmark does not run out. Inflation will eat up the earmark before it can be used simply because Glenwood doesn't have the means to finance this entire project and they have to have financing in place before they qualify for federal funds. We turn that into a positive which would elevate Glenwood Springs to a higher status on the STIP and then eyes of the CDOT folks for more assistance and maybe we could move forward on different projects. This depends on Congressman Salazar and how hard it tied that to this one project to see if we are able to leverage those funds within our planning region. If we can't leverage it in any way and it has to go to that then that would be up to City to come up with the extra money as well as the agreement with CDOT to construct a new intersection on Hwy 82. This is not on the STIP priority list so that would be probably from 25 – 30 years down the road unless we could change the process. Able to secure a request for the TPR for the City of Rifle and they had put in a request for federal and matching funds under the enhancement program for the Arnold property segment of the trail and their request was $91,131 and through that were able to $72,905 was approved and they have to match $18,226 by the year 2007 to qualify for those funds. There were funds left over and so I mad a motion to divide equally between the three counties, Pitkin, Eagle and Garfield that had request for trails and was able to secure a little of $27,000 to be distributed within Garfield County, that also puts it back to the trails groups and need to work with staff to decide where that $27,000 is going to go on priorities and everyone is welcome to contract our staff to work that out. Club 20 in GJ on transportation and had representation present on Friday; STACK meeting and CCI in Denver; Wolf Workshop here next week; workshop on federal payments and Larry will be present at CCI and need to hear from the DOLA on our issues on the distribution on 3rd tier money.
Commissioner McCown – this will also involve that discussion.
Ed – with respect to transportation planning, received a letter from Jeff Hecksel asking that our engineers participate in planning of transportation for the South Glenwood area.
Chairman Martin – that was also part of the arrangement in discussing the transfer of funds and work out the Master Plan in that area.
Commissioner McCown – it's hard to envision why the discussion of a bridge ever got to a discussion where it did without an accompanying intersection. Why could one be moved forward without the other, because it simply is going to land the bridge at a dead-end road and no where for that road to go.
Commissioner Houpt – and at what point did CDOT take the position they wouldn't be involved, they don't like these earmarks and so they decided not to be involved with that. Earmarks take precedent – fight as long as this process is in place. This is going to be a big part of Glenwood's study.
Commissioner McCown – part of CDOT's disappointment is both with congressman McInnis and Congressman Salazar – their appropriation of funding circumvents the planning process completely.
Commissioner Houpt – we had a big discussion with Mark Udall's staff with the I-70 coalition because we were saying we have all these different avenues for prioritizing projects and every time you come back with earmarks, you throw that whole process in upheaval because we've already been through it and we've figured out what's important and suddenly the earmarks takes precedent and his comment was all of the congress delegation believes that we will still fight for every penny we can get as long as this process is in place and so the plea was for them to figure out a better process so that it didn't turn all the planning upside down and supported the plan that's in place.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists

e. Los Amigos Ranch PUD: Authorize the Chairman to sign the Resolution of approval for a Text Amendment to amend the phasing plan: Elk Mesa Properties, LLC.
f. Moore, John and Lisa: Authorize the Chairman to sign a Resolution of approval for a Special Use Permit to allow an Accessory Dwelling Unit – Richard Wheeler
g. Liquor License Renewal: Nepal Restaurant, Glenwood Springs – Mildred Alsdorf
h. Valley View Village Planned Unit Development: Authorize the Chairman to sign the Final Plats for Buildings C and G, "A Re-subdivision of Lot 46

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a, d, e, f, and h – absent b and c and g; carried.
In favor: Houpt - aye Martin - aye McCown – aye

Item g. Mildred checked out the restaurant and stated a partner is leaving and there is new partner that requires additional documentation. They also changed their tax id number with the State. It is a corporate change.
Commissioner Houpt moved to approve the liquor license for Nepal Restaurant in Glenwood Springs; Commissioner McCown seconded
In favor: Houpt – aye; Martin – aye; McCown - aye

REGULAR AGENDA

PUBLIC MEETINGS: DIVISION OF WILDLIFE: IMPACT ASSISTANCE GRANT – SHANNON HURST

Shannon presented the Colorado Division of Wildlife Impact Assistance Grant application for the total acres of 14,838.965 and a total requested of $9,010.87.
We have a lot of parcels owned by the Division of Wildlife and the Assessor's office evaluates that parcel using an agricultural value and ask for money back from them. This year we are requesting $9,010.87. Shannon requested each member of the Board sign this.
Chairman Martin – this has to be a formal request for the funds.
Commissioner McCown moved to request the money and authorized the three Commissioners to sign.
Commissioner Houpt seconded. In favor: Houpt – aye; McCown – aye; Martin – aye.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Fred Jarman, Bryan Sholten, and Charles Zelenka known as the Government Mules reported on the Multiple Sclerosis ski team for the Ski-a-Thon held February 17, 2006. Each member of the team competed the 24 hours of skiing where you hike up and ski down. Each one completed 5 laps in 24 hours and 9 seconds. They were the closest team to the 24 hours. Commissioner Houpt contributed Chicken Soup and it was much appreciated. Over $50,000 was raised.
Fred thanked the Board for sending them and supporting. It was 50,000 vertical feet and the team that won did 34 laps each in the 24 hour period.

Clerk & Recorder - Copier – Printer

Mildred requested input from the Board regarding an offer from an oil and gas firm to lease a copier and printer to be used by everyone in the Recording Office.
The Board advised Mildred to go through the legal department to see if this is okay.

BUILDING & PLANNING: CONTRACT - MOUNTAIN CROSS ENGINEERING AND RESOURCE ENGINEERING – AUTHORIZE THE CHAIRMAN TO SIGN THE 6-MONTH RENEWAL – FRED JARMAN

Fred Jarman presented.
The Agreement for recurring or an-needed engineering services was presented for Mountain Cross Engineering, Inc. in an amount not to exceed $40,000 for the term of 01-01-2006 through 06-30-2006 and for Resource Engineering Inc. in an amount not to exceed $40,000 for the term of 01-01-2006 through 06-30-2006.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Service Contracts **M**ountain Cross Engineering, Inc. and Resource Engineering Inc. for six months and that an RFP be issued no later than December 31, 2006 and results back in so we will have those contracts for renewal effective January 1, 2006 so there is no lapse in service. We've got people waiting on print reviews, applications, and he doesn't want to see a lapse in that service.
Commissioner Houpt – if this is a 6-month then it will expire in July.
Fred explained that the hope is to lapse in July so we can get on track with the Procurement Code here July 1st.
Commissioner McCown – so then it will be a 6-month contract in the Procurement Code and then January we'll get back on an annual basis.
Fred – correct.
Mark added then we go through the RFP process then they'll be 6-month contracts after that just to cover the second 6-months of this fiscal year. Then January 1, 2007 we'll begin the same bid process for whoever's going to serve.
Carolyn – this contract could be for a 3-year period of time with individual releases to contract for certain projects like we were discussing this morning and the BOCC would approve the initial contract and not each time.
Commissioner McCown amended his motion to make sure that we have the Procurement available so there's a continuance of service no later than the end of July, 2006.
Commissioner Houpt seconded.
In favor: Houpt - aye Martin - aye McCown - aye

BUILDING & PLANNING: PAINTED PASTURES SUBDIVISION – RALEY RANCH PROJECT, LLC. – BOUNDARIES UNLIMITED – REQUEST TO CONSIDER WAIVING THE REQUIREMENT FOR AN ANNEXATION IMPACT REPORT PURSUANT TO C. R. S. 301-12-108.5

Fred Jarman and Derrick Walter representing the development were present.

This is a proposed development east and adjacent to the Town limits of the Town of Silt that wishes to annex into the Town. Because the property it 10 acres in size, it is generally required to submit an Annexation Report to Garfield County and the Town. The request before the Board today is to waive the requirement of the Annexation report.

Staff received a referral on this last December and sent comments to the Town on December 9, 2005.

Staff commented that this is a logical area to accommodate residential growth and it is good that a variety of housing types is contemplated. Suggestions were made as follows:

1. ADT generation – this development would generate approximately 1,464 trips and most of these trips would use SH 6 & 24 for a direct access to I-70 interchange rather than using Grand Avenue. The trips do not impact a County road but might require significant improvements to the access to SH 6 & 24 and Grand Avenue requiring a permit. For example, if this development was in the County we would access a traffic impact fee of approximately $307,000.
2. We would encourage CDOT to take a hard look at the main access (Overo Blvd) to SH 6 & 24 because of the existing volume and speed of west bound traffic on that road coming from Davis Point which also has a blind hill making site distance a serious issue.

In summary, staff discussed the application with the Silt Planning Office and County Road and Bridge Department. There is little to no impact to County roads and staff finds that there is no material reason to require an Impact Report by the Board of County Commissioners.

The Town of Silt agrees and meets this evening and will likely render the same decision.

A motion was made by Commissioner Houpt to waive the requirement for the annexation report pursuant to CRS 301-12-108.5 for the Painted Pastures Subdivision in Silt. Commissioner McCown seconded.

In favor: Houpt - aye Martin - aye McCown - aye

PUBLIC HEARINGS:

BUILDING & PLANNING: PARACHUTE CREEK GAS PLANT PHASE 3 EXPANSION – WILLIAMS PRODUCTION RMT COMPANY – CONSIDER A SPECIAL USE PERMIT – RICHARD WHEELER

Richard Wheeler, Carolyn Dahlgren, Phil Vaughan, Eric Miller, Plant Manager, Mike Gardner, Tom Ferrari were present.

Carolyn reviewed the noticing requirements with Phil Vaughan 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 – Application for Special Use Permit; Exhibit E – Staff Report dated 2-13-06; Exhibit F – COGCC Aesthetic and Noise Control Regulations and Exhibit G – the Town of Parachute letter to Phil Vaughan, Watershed permit. (Richard read into the record.)

Chairman Martin entered Exhibits A – G into the record.

Richard reviewed the staff report and gave the location as 4 miles north of Parachute on CR 215 on 1,333 acres of property. The zoning is Resource Lands (RL) – Lower Valley Floor.

Background:

Under the new pipeline regulations, compressor stations are considered an appurtenance and the County would only review pipelines and appurtenants if the line is greater than 12" in diameter and over two miles in length of any pipeline that is over 5 miles in length regardless of the diameter. This is part of a phased plant that has been issued two prior Special Use Permits.

The SUP is for a Phase 3 of the Williams Parachute Creek Gas Plant owned by Williams and operated by Bargath, Inc. Phase 3 is on an 11.18 acre expansion area and directly abuts Phases 1 and 2.

Staff Recommendation:

Staff is recommending the Board approve the Special Use Permit to allow Phase 3 of the Parachute Creek Gas Plant with the following conditions:

1. That all representations of the Applicant, either within the application or stated at the hearing before the Baord 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. 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/Operator. 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 comply with all standards as set forth in 5.03.08 "Industrial Performance Standards" of the Garfield County Zoning Resolution of 1978 as amended.

Resolutions 2002-67 and 2005-09 were referenced for the record.

Richard stated that the compressor building will house a maximum total of seven of which four have been permitted, and the additional three are in this SUP application and continue on their state regulations as far as getting the others permitted. Noise regulations as noted in the report as well as by the applicant, the news one would be effective January 1,2 007 if they take place and the applicant intends to construct the new ones before the regulation takes effect and would be under the old regulations. This plant will operate 7 days a week, 365 days a year, 24 hours a

day. The traffic study that was submitted, the peak hours are in the morning when employees are going to work, at lunch and when they are changing shifts.
Condition No. 3 – should the need arise …… Richard asked to have further discussion with the Board because staff feels this would be appropriate where the County felt there was an annual or semi-annual type of review which was a condition placed on this in Phase II and to date the staff is not aware of any issues that have come up where the County has had a need to review.
Staff's error was acknowledged for lack of sending this to the Weed Management and suggested $11,000 for weed mitigation, $1,000 to each acre.
Commissioner Houpt – when talking about noise regulations you said the new regulations won't apply. That is not quite correct because the only thing that doesn't apply is the lower residential/agricultural/rural raise. Just that one sound level.
Richard – I was referring to the attachment in the staff report from the COGCC to where they are having the lower sound requirements. There's still a decibel sound requirement that would have to be met, not the new 50/45 regulations.
Commissioner Houpt – on the water issue from her recollection of the discussion, the reason we didn't require an adequate legal source of water was because there wasn't going to be an office building in Phase 2 – there is one in Phase 3 which triggers the need for that source of water.
Commissioner McCown - Phase I included a well and is still a condition that was never rescinded.
Commissioner Houpt – this particular SUP application is not suggesting they use that well. They either use that well or dig another well. If they can use the well from Phase I.
Richard – from their submitted materials to the County, their proposal is not to use that well in this application, there is a well there that was part of the Phase I SUP and brings up a legal question. We are not rolling the Phases, they have been separate Resolutions and separate permits as this would be as well. It brings up a special discussion if it's a SUP and can be revoked. So if we revoke a SUP what do we do, Phase I, II or III. So in a way they are separate but yet in a way they are combined. Well Number 6 should be discussed, nothing was submitted as far as a well test or water quality for this or that they were proposing to use it.
Commissioner Houpt – could not recall any other residence, business or industrial operation where we've allowed an office to be constructed without a legal and adequate source of water.
Richard – the Commissioners did approve a cistern for Mr. Hohan's ADU from a non-perpetual source of water and was approved last year. The county is looking at the lease-hold interest there.
Commissioner Houpt – traffic will almost double on that road and there is a requirement in the Phase II SUP and as you said these are all different SUP applications and was that looked at in Phase III – this is the phase that will have the most impact.
Richard said when he read the study that was done by this FHU Engineering Firm dated November 10, 2005 and this report was seen by Road and Bridge and there is an existing permit for this and they met with the applicant on site concerning Phase III. Whether they read the study that was undetermined but the study does include the intersection improvements required.
Applicant: Phil Vaughan addressed the issues that were brought up.
There are existing SUPs for Phase I and Phase II and this is a Phase III application before the Board.
Water source – Phil stated they had reviewed is in the Phase I approval, details out well number six, Unocal Well #6 is what its commonly known as for usage in Phase I. For Phase II we came in and proposed a tank to be set with a 20-year contract with Toby's Water Hauling Service. There is an office actually on site under Phase II, called the control building and is an office space that does have one toilet and two labs. With the approval from the County Commissioners on Resolution Phase II we did not know there was an issue with the Phase I Resolution so Mr. Wheeler caught the fact that there was a difference between Resolution in 2002 and the Resolution in 2005. In 2005 the County Commissioners approved for using a 20-year contract with Toby's and then having that be the water supply. What we have proposed in this application was a 5,000 gallon storage tank for usage at this new facility with backup by a 20-year contract from Toby's Vacuum Truck Service. That is what we proposed in the application and understand there is an issue between those two and that's what we're here to discuss with you all today to figure out how to resolve that and get things into a place where the County can feel its acceptable and acceptable for the applicant.
Commissioner Houpt – would the well that is in existence work for this Phase as well? Is there adequate water?
Phil – yes to the first question. As far as we know there is adequate water. We know there is legal water there and currently that well number 6 is serving the man-camp office building across Parachute Creek. We would need to verify there's adequate water as we are not sure. As to the water quality itself, that is non-potable use only water in the man-camp office building and all the spickets within the building note that it is non-potable water and they are hauling in 5 gallon water jugs for drinking. The adequate water question would have to be answered and then we would have to pipe that water across the bridge structure there now and come into the two plant locations.
Commissioner McCown – didn't notice a proposed amount of water to be used. There is a 5,000 gallon tank for your reservoir but how often will that tank have to be recharged?
Phil – referred to attachment 3A – water system. There is report Geotechnical Engineering group dated 11-8-2005. Basically the engineer that prepared this noted the two toilets, two labs, noted the amount of employees and on page 3 of this report he notes non-potable water supply design is two toilets, two labs and a total of 58.4 gallons per day times 12 employees is 700.8 gallons per day and a peak flow at 150% of that is the total of 1,051 gallons a day times a design volume of 7 days is a total of 5,000 gallons weekly. The actual usage on site is less than that.
Carolyn – the engineers report states 12 full time employees, but the rest of your application says 17 employees.
Phil – part of the employees are involved on this site are not going to be on the control room that's on Phase II. This can be confusing when working between multiple phases but there will be 12 people in the office.
Commissioner Houpt said she would have to refer to the Minutes but thought we had quite a discussion on this the last time and the reason why the tank was approved was because the control station was not going to be in full use as an office. But was there when people had to come in and check out the facility and do work on it and this is different

to me and think we need more adequate supply. Regarding a fire mitigation plan, was that included and what kind of water would be on-site for that.
Phil – one of the requirements in the Phase II application was verifying that we had and inspection after construction of Phase II with the Grand Valley Fire Protection District. David Blair has been involved with the plant since Phase I and at the end of the construction of phase II David and his volunteers came in for full inspection of the facility, not only from a standpoint of knowing what was there but familiarization with it and secondary was the review of the emergency response plan which is also included in this application. We met with David again this last fall on site in regards to Phase III and has reviewed the proposed plans and agrees with what we are doing as far as the NFPA requirements that are met within the plan, the safety systems that are separate from the plant. He has not required a specific amount of water to be stored on the site. He understands that the emergency response plan which is enclosed in the final response plan deals with those issues.
Traffic Comments:
The report in place basically is an update of the traffic study prepared in 2004 for the 2005 SUP. This last fall we did traffic counts on site in the same way that Jake from Road & Bridge had asked us to do prior. Jake came out on site and looked at our plan, looked at the improvements being recommended and agreed on the same methodology and updated the traffic study. The information we received back from Jake Mall and Road and Bridge was that the improvement that were done and the details are in the application. Phil explained the signage on the road and explained the striping on all the decel and left hand turn lanes.
Vegetation:
Phil – agreed to $1000 an acre and said bond is in place on Phase II. He had a meeting on site with Steve Anthony. There was a verbal agreement and we have indicated we agree with reclamation and will agree to a condition.
Sound
Noted – on the new sound standards by COGCC – the R-199 industrial area remains the same – residential from 55 to 50
Added a condition – agreed in Phase III on noise
The nearest neighbor is 7/10's of a mile across CR 215 – no complaints on noise during the operation of Phase II.
Recommendations: Phil stated they agree with those set forth and with the addition of the revegetation bond and noise. Watershed permit has been received from the Town of Parachute and a grading permit from the County.
Phil requested another condition of approval, in the old Phase II Resoltuion, detail regarding item 15, the applicant has proposed 4 new buildings for the plant expansion, these buildings are proposed for maximum sizing and may be constructed in smaller dimensions, we would like to add that in just simply more for the sake of going through the building permit process to be clear on the Resolution in regards to when Building and Planning staff is looking at the application.
Mildred – all vehicles must be licensed as well as special mobile equipment in Colorado. She requested that a list of employees and subcontractors be submitted to her to make sure they are licensed. This includes all company vehicles; subcontractors; and employees because there is a 30-day residency requirement in the state.
Phil agreed they would send a list to Mildred.
Commissioner McCown said he will clearly be making a recommendation that water from Well No. 6 be an approved source of water and doing some quick calculations it will be about ½ gallon per minute to supply this 5,000 gallon tank with the necessary water. That's not unreasonable. Knowing full well that these are non-potable water sources and pointed out this is clearly the difference on using your contracts for service on non-potable sources and potable sources for residential and it is the distinction he would follow as a Commisisoner on the grounds that we have approved those in the past but I am going to include that in my recommendations and for the lack of a letter from Steve Anthony based on the testimony I'm going to recommend a $1500 per acre revegetation bond and that be held.
Phil agreed to both of those conditions.
Commissioner McCown – and the noise stipulations as agreed to in Phase II would be implemented and the terminology of the buildings may be construction in a smaller dimension than represented in this application.
Phil agreed.
Commissioner Houpt – to follow up, in the wording from Phase II on sound, did we include COGCC Regulations or only State Statute?
Phil – if we took Condition 17 of the 2005 approval and stated, "if the proposed use allegedly produces a volume of sound which violates noise standards as set forth in the Colorado Revised Statutes and/or COGCC regulations, the applicant shall hire an acoustical engineer and measure the amount of noise and if in violation propose mitigation measures of a nuisance noise within 60-days."
Commissioner McCown, that's the stipulation I alluded to.
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 made a motion that we approve the Special Use Permit request for Phase III at the Parachute Gas Plant with the recommendations of staff changing number 3 to read "a review at the end of the first year after completion of the project, all further reviews will be on an as-needed basis"; number 6 to read "a revegetation bond posted by the applicant an amount of $1500 per acre"; number 7 "water for the project to be from Well Number 6 as approved in Phase I and stored in a 5,000 gallon tank at or near the site"; number 8 "the noise stipulations as agreed to in Phase II would apply to this Phase III application"; number 9 "alluding back again to previous applications, buildings may be constructed in a smaller dimension than represented in this application."
Commissioner Houpt – for clarification on the noise regulations, we didn't include COGCC Regulations last time and asked that be added to it.
Commissioner McCown – the one that Phil added.
Commissioner Houpt seconded.
In favor: Houpt - aye Martin - aye McCown - aye

Barrett Corporation

Carolyn – drafted a letter to Mr. Keith for the Board and wanted to make sure that it is consistent with what the Commissioners wanted regarding the Barrett well location and also make sure that the last paragraph is correct. Mr. Keith wants the letter today; the specific vote was to have this letter go out today.
The Board reviewed the contents and Commissioner Houpt added "any changes in the moratorium area" in paragraph 2 and not typically opposed to changing locations of wells but in the moratorium area.
Carolyn – "that any changes to be considered in the moratorium area."
Commissioner McCown – fitting to note in paragraph 1 that our expert Dr. Jeffrey Thyne saw no reason to oppose this action given the study and information he's received from the Hydrological Study.
Carolyn – so you want to specifically mention in that last paragraph, am I correct that Barrett is in process, is there an amended APD?
Chairman Martin – not that I am aware of.
Carolyn – or is it just that
Chairman Martin – they have applied to do so.
Commissioner McCown – last paragraph.
Carolyn – clarified that the letter goes to Colorado Oil and Gas Conservation Commission as part of their am
Commissioner McCown – I don't know that it's an amended APD or if it's a new application on their land.
Chairman Martin – with those changes we stand with the vote to go forward with this letter.

ADJOURNMENT

Attest: Chairman Martin

_____ _____

FEBRUARY 21, 2006
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 21, 2006 with Chairman John Martin 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

Dave Merritt – River District Representative and Chief Engineer with the Colorado River Water Conservation District and would like the Board to consider is assistance with funding for a water quality gauge just west of South Canyon. They are referring to this as the grand hogback age and some say it's because of the energy development but it really is far beyond that. It is an issue that the river district and GS talked about for year. There is a real gap in data with what's going on and as general development increases in the Colorado River District we need to know more about where that is happening. One of the big problems in this area is the high saline sources are coming in all the way from Dotsero down to South Canyon. Measurement around here where we've had a long term water quality gauge, there's not enough mixing in the river system and we have a water quality gauge that is just downstream from my office, a cable across that for years, they measure water quality in the Canyon just by No Name and they also measure water quality on the Roaring Fork River, but there's a lot of springs that enter in and the next point where we have water quality and water quantity is down in the DeBeque Canyon. There is a lot of salt that comes in, over 400,000 tons a year of salt that comes in the river system just from Dotsero on down to South Canyon and in the lower Roaring Fork River system. That's a lot of salt. And as development then to the west increases we're going to see more impacts in that area. In the past two years one of the issues that has arisen is all the tributaries to the Colorado on the south side essentially from South Canyon west have been listed on the State's 3 or 3D lists, they're impaired list for selenium based on some samples and some of the West Mann and Alkali and some of those areas. The whole issue of looking at water quality where the changes are coming for is going to be important. We've been trying to work with the GS to identify where we can put a gauge and would like to put at this site near New Castle and we'd be looking for some assistance from Garfield County.

In the past few years we have started getting more cooperative effort from the various counties in gauging programs. We have help from Rio Blanco for about five years and the White River there's been a cooperative program going on in the upper Gunnison in Gunnison County and would like Garfield County to consider coming in and assisting with this one.
Chairman Martin - Help with the baseline data is what you're talking about and that's the whole idea being sure the baseline data is there so that if we see changes we know where they're coming from.
Dave – we'd know what to look for.
Chairman Martin - Canyon Creek as well as South Canyon.
Dave – there is a hot spring there as you know.
Commissioner McCown asked what the next step is if this gauging and testing station confirms what we already know as far as salinity, then what happens?
Dave said then they would start looking at where we can reduce it effectively. For 26 years now both with the Bureau of Reclamation for five years and then twenty-one years with the River District, he's been involved with the control program which is a base of Y program to look at salt reduction in the river system to maintain standards to

deliveries down stream in California and Arizona. We are looking to see if we can get some funding to the Silt project this year or next through EQUIP for improvements. There are measures and if we identify this is a significant source of salt loading in these areas, there are measures we can get federal funding for to improve the irrigation sufficiency and look at the delivery systems, etc.
Chairman Martin – New Castle has a lot of problems and they are looking at changing river water for the Ware Hines Ditch water. That affects the soils and the farming industry and has always been a controversy.
Commissioner McCown – this is where I was going even though thru the NRCS program and other program a lot of people have gone to sprinkler systems, side roller irrigation which is far more sufficient and better on the soil but there's still a lot of flood irrigated acres in Garfield County and wondered how this will affect those people who flood irrigate if there would be an impedance on that.
David – no impedance and for long as he's been involved in the program the issue has been not requiring anybody to come in but providing incentives in assisting with it. They've been very active in the program in the Grand Valley and Uncomparda.
Commissioner McCown asked how significant an impact is the lower river flows that we've seen over the last several years. Dilution is the solution.
Dave – it is very significant because the communities that divert off the Colorado River, New Castle, Silt and Rifle and then down at Clifton have really seen that because we have a constant source of salt coming in this area. It doesn't vary with the runoff. The springs come in whether the flows are 10,000 CFS or 500 CFS and Rifle really sees that. This is one of the other issues that came up with the issues of the Shoshone Coal reduction in that Rifle is very concerned over the quality of their water if the Shoshone Power plant reduces their flow because there's less of the high mountain reservoir water coming on down during that time frame and that's why in the district we try to work to minimize that. This frankly could become one of those gauges that we use to call for that – say that if the salt and saline gets to a certain level then even if the flow isn't there then we need to make sure it's there.
Chairman Martin likes participating in water issues and it's time we work on this together to make sure the baseline data is accurate.
Commissioner McCown – reminded Dave that the Board cannot commit to year 2007, 2008 and 2009 but I would make a motion that we do participate this year in the amount of $11,625.00. Chairman Martin stepped down as Chair to second the motion. In favor: McCown – aye Martin – aye Houpt - absent
Ed confirmed with Patsy that the Commissioners have $50,000 in the budget for these types of grants.

Joint Silt Meeting – Monday, February 27, 2006
Meeting with Silt from 6 pm to 7 pm at Silt Council Chambers

COUNTY MANAGER UPDATE – ED GREEN

- ***Road and Bridge: Laramie Energy – Hells Gulch Project - Pipeline Construction request – Jake Mall***

Jake Mall, Joel Marks with Trishehan and Ken Lees from Laramie Energy were present.
Laramie Energy LLC has requested permission to construct an 8-inch steel natural gas pipeline. The pipeline will be within County ROW and on private property. The pipeline starts in Mesa County of USFS land and enters Garfield County on CR 342 (Fairview Road) and continues on both County ROW and private property to the intersection of CR 344 (West Divide Road). The pipeline continues within County ROW on CR 344 (West Divide Road) to the West Divide Compressor station. The length of the pipeline within County ROW is 14,678 feet (3.73 miles). The length is less than the length requiring approval by Planning and Zoning. Larime Energy will be required to post a letter of credit in the amount of $100,000.00 for the construction phase and a letter of credit in the amount of $8,000.00 for revegetation. The construction letter of credit will be held for nine months and the revegetation letter of credit will be held for a period not to exceed two years.
Run one year from the date of completion.
Mildred requested if employees have been here for 30-days that their vehicles be registered. This list of employees should go to Mildred.
Jake asked if this should be added to the conditions.
A motion was made by Commissioner McCown to approve the pipeline construction request as submitted changing from the size of the line from a 10 to 8 lines approving the amounts of letters of credit, $8,000 for revegetation, $100,000 for construction; the $8,000 being held for two growing seasons or two years and the $100,000 being held for one year. Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

- ***Proclamation for World Kidney Day***

The world needs a kidney day to draw attention to the increasing global pandemic of kidney and associated cardiovascular disease. Therefore the International Society of Nephrology and the International Federation of Kidney Foundations are jointly proposing that a World Kidney Day be established on the second Thursday in March each year. It will be launched on Thursday, March 9, 2006 and fully inaugurated o Thursday March 10, 2007.
The Proclamation was presented to the Board for approval.
A motion was made by Commissioner McCown to approve the Proclamation for World Kidney Day for 2006 as requested.
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

COUNTY SHERIFF UPDATE: LOU VALLARIO

- ***2006 Purchase of Services Agreement – Colorado Animal Rescue, Inc.***

Lou presented the 2006 services agreement for an amount not to exceed $156,000.00 and requested the Board approve the contract.

Lou reported that thus far the service has been adequate and there haven't been any shut-outs for animals in 2006.
A motion was made by Commissioner McCown to approve the purchase not to exceed $156,000.
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

- ***Jail Contract – Mental Health Services – Colorado West Regional Mental Health Center – Consideration/Approval***

Lou presented the 2006 services contract for January 1, 2006 through December 31, 2006 in an amount of $75.00 per individual/per incarceration and the total not to exceed $20,000.00
A motion was made by Commissioner McCown to approve the Mental Health Services Contract with Colorado West Regional Mental Health Center be approved not to exceed $20,000.
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

- ***New Facility for Community Corrections Program***

Lou said the Community Corrections program is outside the scope of the Sheriff's Office responsibility and they are pleased to provide space and help but the only concern that he brought up and is clearly being addressed are the numbers increasing in the jail so other than that it is a good idea and seems like it will be a great facility and program.

- ***Traffic Enforcement***

Chairman Martin referenced the number of requests he was getting in reference to traffic enforcement of the west end including heavy trucks, monitoring etc.
Lou suggested that at some time we need to see down as a County and look at an entire traffic plan and look at parking that has never been addressed in certain areas. Individually there are a whole lot of requests for traffic patrol on specific roads and Lou said they try to comply with those as best we can. It really gets down to 1) the practically of it, is it an issue or a perceived issue and 2) do we have the manpower to saturate an area or not. The concept of traffic with trucks and industry really deserves a workshop or similar to look at it as almost a comprehensive plan for traffic.
Chairman Maritn will make sure that Lou is included in the Transportation Master Plan discussions. The County is getting close to completing that particular plan on the infrastructure, etc. with flowing patterns, etc.

- ***Joint Police/Court Facility***

Ed provided the Board a schedule of the Joint Police/Court Facility. Ed met with Judge Craven and the key issue is interruption of service while building the new facility. Their strong preference is that this not occur and that during the programming and design that we put the Court on the building envelope where they don't have to have the existing facility torn down. Ed said they could put it further back on the property.
Chairman Martin – In that programming Lou will be consulted in reference to what space you may need within the security issues of the Court, etc.
Lou said his trip to San Diego, Chief Meisner of Rifle and Randy Whitee with the County all went to this training and its specifically dealt with building and engineering a police facilities and this is a combination of courts, we're fairly confident that the Rifle Police Department will be in there, certainly the Sheriff Office will have a presence and it was a good education value as far as some uniqueness of police facilities, why they cost more, security, etc. so Lou definitely wants to be involved with court security issues, how we can design so that we don't have a malay of security matters, isolated security issues, etc.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice – All three of the item listed for the County Attorney; Mildred would like to discuss election equipment and legal staff needs to provide advice; the Assessor has a discussion item as well as the Sheriff has a liability issue to discuss. Carolyn – County Fair Promotion – Contract negotiations with Antero Energy

Don requested that besides the legal and administrative staff, he needs the Sheriff, Assessor and Clerk available for their issues as well as Jake Mall.
A motion was made by Commissioner McCown to into an Executive Session; Chairman Martin stepped down as Chair to second the motion. Motion carried.
A motion was made by Commissioner McCown to come out of Executive Session; Chairman Martin stepped down as Chair to second the motion. Motion carried.

- ***Oil and Gas: Action on Antero's request for BOCC execution of COGCC Rule 305/306 "Waiver Letter"***

Carolyn Dahlgren requested action on the waiver letter and continued negotiations on the surface use agreement. The waiver letter and map of the location of the pad was submitted known as the "Dever A Pad Road Plan and Profile" plat were submitted.
The agreement was presented in consideration of $10.00 for the Surface Use with Antero Resources in order to allow the City of Rifle to extract the minerals they own under the Airport in Rifle.
Information on both the waiver letter and negotiations requires information from Antero.
Steve Fontenala and Bill Parine, Division Land Man with Antero Resources
Steve explained why they need the wavier and why the action is needed for today saying the Colorado Oil and Gas Commission Rules 305-306 require the oil and gas operator to give the surface owner notification prior to entry to the surface, heavy equipment, etc. and before we can get a permit out of the Oil and Gas Commission to drill a well, we have to have this site meeting with the surface owner. Rule 305 and 306 specifically set out what actions are required of the operator with regard to notifying the surface owner, what has to be given to them, surface owner brochures, consultation, etc. We can expedite our process by 30-days if we have a waiver from the surface owner. Essentially the waver allows us to cut 30-days out of the process. That doesn't mean that we

wouldn't have met with the surface owner ahead of time but because it's an administrative thing that allows to expedite our process.

Commissioner McCown – but you have met with the surface owner in a meeting last week that did occur so actually part of this requirement has been fulfilled, at least there has been a meeting with the surface owner and the surface owner is aware of pending work to be done on that site. I am aware of the action that's going on as one of the County Commissioners and the legal department as well as the Airport has been involved.

Carolyn – There's a paper that has to go to the OGCC and even if we have worked together as much as we have, you still have to file a paper that says the BOCC waives a formal consultation session with Antero.

Steve – Rule 305 and 306 both provide that with the surface owner's waiver they can agree to by-pass that process. This 30-days saving of time has to do with the filing of our APD.

Chairman Martin noted in the letter from Antero there are 6 items that need to be discussed and we have covered them all:

1) Estimated date of operations;
2) The name of the operator, the contact person
3) Legal description
4) Statements of the surface owners' responsibility which affects the tenant
5) Information regarding the consultation
6) Notice requirement for the Rules and Regulations of 306 and a copy of the Oil and Gas Commission brochures.

A motion was made by Commissioner McCown that we sign the waiver that waives the notice and consultation requirements of the COGCC Rule 305 and 306 and this in no way anticipates or insures that a surface use agreement has been reached at this time as those negotiations are still on-going.

Chairman Martin stepped down as Chair to second the motion.

Carolyn – there's another consultation required when you are ready to stop operations on the Airport, so the waiver that the BOCC just approved doesn't have anything to do with that future.

In favor: McCown – aye Martin – aye Houpt - absent

- ***Oil and Gas: BOCC and Antero Resources Corporation – Surface Use Agreement – approval of authority to execute***

Commissioner McCown – there is some on-going title work that's being done that we have some issues we want cleared up before we enter into that final agreement.

Carolyn – there are two other things: 1) we have basically agreed on topics for some additional language including that Antero agrees to follow what the FAA tells them to do and Steve informed me today that he did get FAA approval with some specific requirements from the FAA. But we need a decision from the Board as to the usage charge on the Airport land versus the right of way and Antero has offered to pay a certain usage fee on the Airport and within your County road right-of-way. A decision needs to come from the Commissioners on whether or not to accept the offer made or to charge our standard usage of right-of-way under the Road and Bridge regulations under a permit system versus giving Antero a real easement on our Airport. If the Board wants the easement the interest in our Airport land to have a drop date within the terms of the surface use agreement.

Commissioner McCown would prefer that any activity that would take place within our County road system would be treated as any other utility in our County road system and would be charged accordingly. That would be the flat $150.00 administration fee and 25 cents per foot. On the Airport property proper outside of the road right-of-way, I would accept the agreement that Antero proposed on the price per foot and grant an easement for that purpose. That easement would be in place during the life of the operations once the wells cease producing and those pipelines cease to carry any product then they would be capped as per the COGCC rules and that easement would revert back to Garfield County. And this would include Antero and their successors.

Chairman Martin agreed that this is what he would like to see also.

Ed clarified if the Board wants to negotiation an easement on any encroachments on the 45 acres across the street? The Commissioners stated it would be the same thing.

Commissioner McCown – that would give the consistency to our users of our road corridors as far as the price and then the surface of the Airport would be considered a separate agreement or a separate condition.

Carolyn asked Antero to create two different documents, one for the Airport and the Airport property where the Road and Bridge Shop is because it requires different financial accounting for the FAA hasn't been involved in purchasing. Antero doesn't have any problem with that.

Chairman Martin – simply because dealing with the Federal government and its issue is different that dealing with the local entity requirements. that we proceed in the negotiation agreements as just mentioned in the record.

Commissioner McCown made a motion that we proceed in the negotiating agreements as I have just mentioned in the record. Chairman Martin seconded the motion.

Steve asked if the Board wanted them to bring this back through or is there sufficient information with the County Attorney's office if they're okay with it is it ready to go?

Carolyn asked if the motion was authorizing Mr. Martin's signature today or do you want to see this document again.

Commissioner McCown this was not included in his motion and would like this to be placed on the Consent Agenda once reviewed by legal and Antero have come to the final agreement. It would not necessarily require an appearance but once its there, put this on the Consent Agenda.

Don clarified that this was for both agreements and permits with Road and Bridge.

In favor: McCown – aye Martin – aye Houpt - absent

- ***Assessor: Board of Assessment Appeals Stipulation Re: Docket #44847 – Cerise Ranch LLC.***

BAA Stipulation on a matter before the Board of Equalization last summer. Don requested authorization for him to sign the stipulation on behalf of Garfield County.

A motion was made by Commissioner McCown that the County attorney be able to sign the negotiation agreement and move forward with it.
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

COMMISSIONER REPORT

Commissioner Houpt - absent
Commissioner McCown – Thursday, a phone conference Associated Governments from 10 until12 from 3 – 5 an oil shale task force that Club 20 is putting together and will serve on that. It will be in Grand Junction; on Friday at the Energy Forum at the Two Rivers Convention Center in Grand Junction; Silt Town Council Monday evening from 6 to 7; a Retirement lunch for Deb Stewart on the 28th at the Rifle Senior Center from 11:30 to 1:00; elected officials meeting from 2 to 4; a livestock steering committee meeting from 7 to 8:30 on Tuesday.
Chairman Martin – since I will be out of town, there's a meeting in Battlement Mesa at 10 a.m. on March 2nd - energy forum as well in reference to Club 20. Club 20 on Wednesday in Grand Junction – 9 am. Then CDOT Transportation meeting also in Grand Junction at the Double Tree in reference with meeting the STACK members as well as the transportation commissioners and lobbying; Silt meeting on Monday, another Club 20 meeting in Grand Junction on Wednesday, the 1st which deals with public lands which also tails off of what you're talking about at your workshop on Thursday in Denver which was the federal payments workshop as well as a hoping to put Larry on that review committee – John has tentative approval on that. We had the Wolf Workshop in Glenwood Springs on Thursday and Friday which we hosted and will wait for the Division of Wildlife to report back and the steering committee on Thursday and Friday.
Commissioner McCown gave a report on the steering committee saying this was probably the final meeting of the task force that was put together to deal with severance tax reporting and federal mineral lease reporting; at the end of the day there was a general consensus that even though everyone is not where they want to be we're probably as close as we're going to be with this new revision and the reporting process. So the Department of Local Affairs, the Department of Revenue, everyone is in agreement that there will be a new concept on this reporting process that the federal mineral lease employees and the severance tax employees will be reported differently, the operators will be asked to give a current place of residence rather than and it will specify in Colorado because in the past there have been numerous employees from Vernal, Utah, Pinedale Wyoming, Rock Springs that have a place of residency in Garfield County and are living here but their address on their checks go back out of state so those folks have never been counted. They'll clearing impacting the local areas so they will be counted; there will be a 30-day cure period that each of the local governments will be given an opportunity to look at these reports to ensure at least some level of comfort that the employees have been counted properly. There will be an oversight committee appointed; it will consist of three representatives of County government, three of City government, a representative from the Oil and Gas Industry. A representative of the coal industry and one representative of DOLA. That committee will also look at these forms and will be the final say so if you will on who gets counted and who doesn't. If there are any appeals, if any counties or cities feel that numbers have been reported improperly this oversight committee will have the final say on who gets counted and who doesn't. Larry submitted a request to be appointed to that committee given the fact that Garfield County is in the top two generators of funds for these two specific funds and the fact that Garfield County was the heaviest drill county in the state last year. So I feel fairly comfortable that I may have a seat at the table there, no idea what other Commissioners will be appointed but I think the only requirement they put on that was that one Commissioner and one City official had to be from each side of the Continental Divide and that was the only stipulation. So there can be two from the east and two from the west or one from the west and one from the east – there has to be a balance. We are moving forward and Larry is on the agenda not only as the co-chair but also at the Northwest Oil and Gas Forum to help explain this new process to the operators and we as local county government have committed to these operators and will continue to commit if they need any help filling out these forms, we would be glad to provide them some staff time to help them get through the process. It's a new process; it's basically the old form that has been revised significantly to fit the needs of both reporting federal mineral leasing and severance tax and its going to be quite an educational process and getting the operators to know the difference on who can be reported for severance tax – this is quite specific and basically they are production workers at the point of extraction or at the point of sale whereas you're federal mineral lease statute is much broader and its says employees working at the point of extraction or on a site where the mineral or the product is extracted. So it's much broader and will take in people that would not qualify under the severance tax. This year will be a learning process but the saving grace is we do have the cure period to look at these, bring them back into order so that it is a consistent and fair reporting process statewide.
Jesse – Subcontracts, are they going to be included or excluded?
Commissioner McCown – they are going to be included, it says in the Statute that they can be counted as long they work full time for a producer. Well, what they do is they work full time for a subcontractor, the employees of Halliburton work full time; we are going to have ensure both at the County level and at the task level that those employees are only counted only one time. If something should erroneously happen and for instance Williams would count Halliburton and Calpine Energy would count Halliburton, we would strike one set of those employees so they were only counted one time.
Chairman Martin this came through on the hard work the sub-committee did on job descriptions, etc and put that in there. Also the Department of Revenue was willing to step aside in the way that they do things.
Jesse – this last year they struck all of those.
Commissioner McCown – not all, but they struck some and left some in and at the end of the day we are hoping the one thing that will come out of this task force, all the subcommittees that met, this oversight committee, is that there will be a consistency in reporting from Washington County to Garfield County – that has been missing in the past. How significantly the numbers will change for each county we do not know until we see the employee counts, but at least they will all be counted the same.

Chairman Martin – on Friday next week, I will be gone for about 6 days, leaving the State so Larry will have it from March 3 – 9 all by himself as Tresi will be attending the same meetings.
Ed mentioned that he and some staff will be at the CME Conference on Thursday and Friday of this week.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Building & Planning: Reduction Certificate #1 – Authorize the Chairman to sign – Mark Bean
f. Building & Planning: Williams Parachute Creek Gas Plant – Special Use Permit – Phase III – Williams Production RMT Company – Richard Wheeler
g. Building & Planning: Darter LLC. Valley View Village Subdivision – Acknowledgement of Partial Satisfaction of Subdivision Improvements Agreement – Authorize the Chairman to sign
h. Building & Planning: Blue Creek Ranch Subdivision – Blue Creek Land Holdings, LLC - Acknowledgement of Partial Satisfaction of Subdivision Improvements Agreement – Authorize the Chairman to sign – Fred Jarman

A motion was made by Commissioner McCown to approve the Consent Agenda Items a – h absent b & c; Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

HUMAN SERVICES COMMISSION – AGING SERVICES – DEB STEWART AND DIANA MARTINEZ

Deb Stewart, Cheryl Cain and Diane Martinez were present.
Thanked the Board for having added more positions to the Human Services Commission in order to have a larger representation.
Deb provided two applications for positions on the Commission - Sean Young to represent Valley View Hospital as their representative to the Commission; and one from Denise Wolfsan to represent a Human Service Agenda and her background in working with the Head Start Program.
The Board will make a decision on these.
Deb introduced Cheryl Cain, the new RSVP Director and said she has been in the position for 8 weeks and Cheryl updated on the RSVP program.
Cheryl reiterated the program for 55 years and older and the volunteer hours are facilitated throughout Garfield County. She thanked the Commissioners for the financial support they have provided for the program. The total budget is in the realm of $92,000 a year and $18,000 is the generous gift from the Commissioners. They have 505 volunteers on their roster and it includes 231 various jobs done throughout Garfield County. Last year they accumulated 57,310 volunteer hours at a volunteer cost of $18.04 per hour translates into $1,214,110 value dollars added to Garfield County and we're just scratching the surface of the number of hours that are actually provided by volunteers in our community. As the volunteer hours go up this will allow additional grant dollars to come into the program. We provide various programs as well including a free tax advisement program for seniors and low income folks and have centers from Aspen to Parachute. On April 29 at Riverside Middle School we will hold the Volunteer Recognition Banquet that will recognize the volunteers this year and the Commissioners will be invited. The theme will be Oscar so the Commissioners can be thinking which Oscar winner you want to come dressed as. This year Cheryl's goals are to work on redefining and increasing the awareness in Garfield County for the retired senior volunteer program. You can volunteer and not be retired. The baby-boomers are in the process of redefining what senior is so we would like to increase the perception of who can join our program and like to increase the number of places where we're able to serve.
Deb introduced Diane Martinez – Center for Independence out of Grand Junction. Diane wants to start this in Garfield County. The Center provides low vision (visually impaired and legally blind) and most of the consumers she provides to are over the age of 55. This year she would like to focus on is serving all disabilities. The Center has always done that in the past and serving the 13 counties on the Western Slope, Garfield County is the one that she wants to start this in to specialize again in all the disabilities. There is POPS group that positive outbound people and they have activities and another program called PACT and that is helping the younger ones made the transition into the community. She will be working on a grant for Garfield County to help these folks. For more information she can be reached at 1-800-613-2271. She has a satellite office in Glenwood Springs at the Division of Vocational Rehab in the Work Force Center in the Glenwood Springs Mall.
Deb Stewart announced her retirement. Two retirement celebrations will take place on February 28, 2006 and March 24, 2006 in Rifle She presented an outstanding power point showing the statistics of the Senior Meals by community, the traveler, nutrition, program accomplishments, challenges for the future both community and for seniors.
Deb stated there are a new Director for 2006; Gwen Stevenson and she February 22, 2006.
Deb will be on board through the end of March.
The Board invited Deb to return on March 27, 2006 and introduce the new director under citizens not on the agenda.
Deb will be doing consulting work in the future mostly working in the State of Colorado and teaching people how to apply for grants. She will not leave the world of senior citizens.
She stated she may be coming before the Board very soon for a Conditional Use Permit for a studio.

BOARD OF SOCIAL SERVICES

APPROVAL OF EBT/EFT DISBURSEMENTS FOR JANUARY 2006

Michelle McMullen and Lynn Renick were present and requested approval for the EBT disbursements for the month of January 2005 totaling $426,918.87.

A motion was made by Commissioner McCown to approve the EBT/EFT disbursements for January 2006 in the amount of $426,918.87.
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

CONSIDERATION AND APPROVAL OF PLACEMENT CONTRACT

Lynn presented the approval for two placement contract with Griffith Centers for Children Sate ID # T552816 not to exceed $17,350.02.
A motion was made by Commissioner McCown to approve the contract with Griffith Centers for Children Sate ID # T552816 not to exceed $17,350.02.
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent
Lynn presented a second one for a special program to a youth with a dual diagnosis youth at the Griffith Centers for Children – T469342 and in an amount not to exceed $75,335.00; this is an in-state case.
A motion was made by Commissioner McCown to approve the contract with the Griffith Centers for Children – T469342 for a not to exceed amount of $75,335.00.
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

SFY SIX MONTH FINANCIAL PROJECTIONS

Garfield County Department of Human Services – Power Point Presentation on Fiscal Year 2005

Lynn's presentation included County Administration, Colorado Works, CBMS Costs Implementation Action, Child Care Assistant Program, Core Services, Child Welfare Block Grant, LEAP Program, Child Support Enforcement Program, and Single Entry Point Contract.
She submitted a copy of the presentation for the record. The power point outlined all the allocation programs showing where they are in the 6-month period.
The Commissioners complimented Lynn and Michelle on the report.

GARFIELD COUNTY SUBSTANCE ABUSE PREVENTION PARTNERS' – STRATEGIC PREVENTION FRAMEWORK STATE INCENTIVE GRANT - SPR-SIG GRANT APPLICATION

Lynn reviewed the grant and summarized that a contract will be submitted to the Board of County Commissioners upon approval by the State and legal review. The next community planning meeting is currently scheduled for March 3, 2006 at the Health and Human Services building in Rifle.
Lynn informed the Commissioners that the entire application for our strategic prevention frameworks State Incentive grant also as FSIG and late on Friday night Lynn received a voice mail message from ADAD (Alcohol and Drug Abuse Division) of the State but they are giving the program full funding of $49,858. If they use a PO versus a contract this will not come back before the Board. Shelley Evans has also been designated as the Community's Project Coordinator for this grant and wrote the application and both will be attending a FSIG training in March.

YOUTH ISSUES PROJECT

On February 8, 2006 a letter was mailed to the various government officials and Human Services agencies about the County's 2006 Performance Objectives exploring the needs of our community's children and youth. A work group is being finalized and a meeting is currently planned for March 2 to discuss the survey and focus group process.
Other standard reports were included in the Commissioners packet of information.
Lynn thanked Chairman Martin for signing the letter that went out to the elected officials and governmental entities, have received several responses and will be working with the County managers relative to how to best get this accomplished. Some changes have been made to the initial concept in order to make sure they are hearing and meeting the needs of the community.
Program Updates were submitted.
CBMS there are concerns and it is still related to the county's financial exposure on the system error issue as well as the State is wanting the Counties to partner to get out of the lawsuit. It's on-going and there doesn't seem to be any answers. The State wants to make a change in what their definition is going to be and they can do that. There are a lot of concerns relative to audits from the food and nutrition service. The food stamps federal agency relative to financial sanctions to the State and heard upwards of $68,000,000 statewide.
RTC (Residential Treatment Center) – that is a big concern because we have Garfield County alone has about $730,000 at issue in our allocation for residential treatment services – those are Medicaid dollars and the federal agency, center for Medicaid and Medicare Services have come down and basically told the State of Colorado that they can no longer pay for Medicaid Services how the State wanted to have those paid for through Medicaid dollars. At this point the basic issue is what was close to 100% return on youth being in residential treatment center, there will be a county share up to 20%. The methodology is done relative to Child Welfare and our reduced caseloads we may be seeing a reduced allocation in the year that our caseloads are going back up.
Federal Budget Reconciliation Bill – Lynn made note that the most significant or specific impact that we have been advised about has to do with the Child Support Enforcement Program. In federal fiscal year 2007 starting next October, we will lose some federal incentives which at this point the anticipated impact to Garfield County will be approximately $45,000.

Single Entry Program – With the aging population they are seeing an increase in the Single Entry Program that serves the seniors.

Commissioner McCown commented according the numbers that Deb Stewart quoted and what the Commissioners have seen, Deb was about 60,000 short for 2030. If those percentages hold true the senior population would be significantly higher.

Lynn said the adult protection caseload is also reflecting the increase in that population.

BOARD OF HEALTH

Mary Meisner was present.

OUT OF STATE TRAVEL FOR JIM RADA

Mary submitted the out of state travel request for Jim Rada, Environmental Manager to travel to Salt Lake City for a Community Leadership Training to help surface hidden community assets etc, resources, etc. and deploy them effectively. The cost of the travel and training is $374.00.

A motion was made by Commissioner McCown to approve the travel request for Jim Rada from March 13 – 16 in an amount not to exceed $374.00.Chairman Martin stepped down as Chair to second the motion.

In favor: McCown – aye Martin – aye Houpt - absent

WIC CONTRACT - AMENDMENT

Christine Singleton presented.

The WIC increase in funding for Garfield County Public Health in the amount of $24,944 and it is largely due to an increase in caseload.

Commissioner McCown made a motion was approving the WIC contract in the total amount of $733,204 which reflects a $24,944 increase. Chairman Martin stepped down as Chair to second.

In favor: McCown – aye Martin – aye Houpt - absent

Christine stated due to the recent increase in the WIC grant, she was here to brag about the program. Our funding is primarily driven by our caseload and one statistic that is interesting and it's a national statistics which is 50% of the babies born in this country will be on the WIC program. Since the year 2000 our caseload has increase by 30% and our average caseload for 2005 was 1150 clients. Part of that is that we added 830 people to our program. There is a huge turnover which creates a lot of work because you're constantly teaching people about the program, starting them fresh and then they don't linger too long. Very few of the clients stay the full length of what they may be eligible for which is to the child's fifth birthday.

There are 3 full time WIC educators, all bilingual and each WIC educator has 350 cases. Christine is the dietician and the program director. Nationally WIC determines how we work and they have three main program goals: to provide health care referrals in the community to our clients and work closely with Valley View Hospital and Mountain Family, Family Visitor and Grand River Hospital to provide services; food vouchers – WIC checks and the average monthly benefit for each client is about $34.00 and with those checks they can buy specified amounts and types of foods – milk, cheese, peanut butter, eggs, beans, fortified cereals and sometimes formula. In this County we have 7 grocery stores participating and those checks cashed turn into about $650,000 to $700,000 coming into the grocery stores in the County through WIC. WIC does nutrition education and WIC has been studied quite in-depthly because it's a very successful public health program and the data is very important. We give data to CDC and to the State, etc. but what they've determined is that WIC reduces fetal, infant mortality, it reduces low birth weights and increases the duration of pregnancies. WIC improves the growth of nutritionally at-risk infants and children and decreases the incidents of iron deficiency anemia in children and improves dietary intake of pregnant and post-partum women, improves weight gain in pregnant women and pregnant women participating in WIC receive pre-natal care earlier; children enrolled in WIC are more likely to have regular source of medical care and have more up-to-date immunizations; WIC helps children to get started in schools; children who receive WIC benefits demonstrate improved intellectual development and WIC significantly improves children's diets.

WIC's future – WIC has been in business for 30 years, no change in the food package but changes are underway offering low fat dairy and adding fresh fruit.

Currently in the federal budget we have a raise in funding and cap on nutrition administration services. The proposed budget is far away from the actual and moving along.

Commissioner McCown inquired about statistics on undocumented recipients of WIC.

Christine - Not at this time; they are required to ask for documentation but those can be birth certificates and driver's license. Matricula Consular cards are not accepted but they can take foreign birth certificates, can be a copy and not a certified copy.

Fitness Fair for Garfield County Employees will be held on May 18th in Rifle from 1 – 5 and in Glenwood May 19th

PUBLIC HEARINGS:

DISCUSSION OF THE 1ST SUPPLEMENTAL TO THE 2006 APPROVED BUDGET AND THE 1ST AMENDED APPROPRIATION OF FUNDS – PATSY HERNANDEZ

Patsy Hernandez and Carolyn Dahlgren were present.

Carolyn verified the proof of publication.

Chairman Martin swore in the speakers.

Exhibit A, 1 & 2 were submitted for the record.

Chairman Martin entered Exhibit A 1 & 2 into the record.

A motion was made by Commissioner McCown to close the public hearing.

Chairman Martin stepped down as Chair to second the motion.

In favor: McCown – aye Martin – aye Houpt - absent

A motion was made by Commissioner McCown to approve the 1st supplemental to the 2006 approved budget and the transfer of funds from the appropriate contingency funds to those specific line items where the personnel funds will be drawn.
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

Budget Item
Ed – in 2005 the Board approved $5,000 for Tamarisk eradication at the Airport. The Department of Corrections didn't bill until 2006 so we don't have these funds in the current budget. One option would there is $10,000 in the Commissioner's budget for payments to other governmental entities and this would fit into that; or add it at the next amendment to the budget in the Airport Budget.
Action: Commissioner McCown – take this out of Road and Bridge and wait until the end of the year.

PUBLIC MEETINGS:

BUILDING AND PLANNING: SATTERFIELD, JERRY AND MARY – CORRECTION PLAT OF PARCEL 1 OF THE SATTERFIELD FAMILY SUBDIVISION – FRED JARMAN

Fred Jarman, Barb Clifton, and Jan Shute were present.
This is a request to correct the plat. The Parcel lies south of the Battlement Mesa P.U.D., along County Road 306 (Wallace Creek Rd.), Section 10, Township 8 South, Range 96 West.
REVIEW COMMENTS
The proposed re-division is consistent with the required provisions in the PUD zoning for Aspen Glen as well as the Subdivision Regulations of 1984, as amended.
BACKGROUND
As you may recall, the Board of County Commissioners approved the final plat for the Satterfield Subdivision in 2005. This subdivision was comprised if subdividing a 13 acre parcel into two parcels where Parcel 1 had 11.24 acres and Parcel 2 had 2.12 acres. Through that process, the Applicant's were required by the Division of Water Resources to adjust (by boundary line adjustment) the acreage so that the acreage devoted to an exempt well (35 acres) could be properly accommodated consistent with the State's records.
The Applicants accomplished this by connecting the subject property to another nearby similarly owned property by way of a strip of land (30 foot wide and 180 feet long or 6,300 sq. ft.). This way the two properties (similarly owned) were adjacent to one another which was required by the DWR to satisfy the 35 acreage requirement. It didn't matter which of those two properties actually owed the strip creating the adjacency. Therefore, the Satterfield Final Plat showed the strip as part of Parcel 1 and was platted that way.
This presents a problem because the strip of land was actually deeded to the other similarly owned property. As a result, it is not actually part of Parcel 1 rendering the Satterfield Final Plat incorrect.
The Applicant requests approval for a Correction Plat to remove the 6,300 sq. ft. from Parcel 1 of the Satterfield Subdivision because it was not originally added to that parcel. In this way, the plat shall correctly reflect the boundaries of Parcel 1 of the Satterfield Subdivision.
Staff finds the proposed correction to the Final Plat of the Satterfield Family Subdivision is to correct the legal configuration of a Parcel so that it matches the deed and legal description and is consistent with the approved Preliminary Plan.
STAFF RECOMMENDATION
Staff recommends the Board approve the request to correct the Final Plat of the Satterfield Family Subdivision 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 Applicant shall add a plat note (#18) which described the reason for the correction plat.
3. 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.

Barb did not have anything to add.
A motion was made by Commissioner McCown to approve the request to correct the final plat of parcel 1 for Jerry and Mary Satterfield, the Satterfield Family Subdivision with the 3 recommendations of staff.
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

BUILDING AND PLANNING: GRAVEL EXTRACTION – GLEN'S PIT – OLDCASTLE SW GROUP – CONSIDER A REQUEST FOR A SPECIAL USE PERMIT LOCATED APPROXIMATELY 2 MILES EAST OF RIFLE OFF OF HIGHWAY 6 – MARK BEAN

Mark Bean, Jan Shute and representing Old Castle Brent Kerr were present.
BACKGROUND
The Building and Planning Department received a Special Use Permit (SUP) application for "Extraction, Processing and Material Handling of Natural Resource" specifically intended for the creation of a gravel pit to be known as Glen's Pit, in the AI zone district.
Glen's Pit is located on a property on the north bank of the Colorado River and accessed from State Highway 6 just east of Rifle and the existing Chambers Pit. The subject application is to create a new gravel pit with extraction and processing operations on property owned by Oldcastle S. W. Group, Inc. The property boundary for the area to be permitted for the pit contains 35.51 acres. The new pit operations will be for the mining of sand and gravel to be primarily used for road base, asphalt and concrete. The pit is currently in the process of being permitted by the State

of Colorado Division of Minerals and Geology as well as under a SUP from Garfield County. The Chambers Pit just to the east is also in the process of expanding and is in the process of being permitted by the County and State. Mining will include extraction of resources below the water table and therefore the use of existing water will continue to be an issue.

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 potential impacts to the City of Rifle Watershed District due to its location directly upstream from the City's water intake on the Colorado River, as well as impacts to their general planning areas identified in their Comprehensive Plan, Staff recommends the Board direct Staff to schedule a public hearing before the Planning Commission in order to obtain a recommendation to the Board of County Commissioners.

A motion was made by Commissioner McCown to refer this application for a Special Use Permit for Glen's Pit, Old Castle SW Group and schedule with the Planning Commission at the earliest time and bring it back to the Board.
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

PUBLIC HEARINGS:

BUILDING AND PLANNING: #10 ENTERPRISES – HIGH LONESOME LODGE – SPECIAL USE PERMIT FOR A RESORT LOCATED APPROXIMATELY 5 MILES NORTHWEST OF DEBEQUE OFF OF CR 200 – MARK BEAN

Mark Bean, Jan Shute, Buzz Cox, Ranch Manager and Richard Krone representing the applicant were present.
Mr. Krone reviewed the noticing error and stated he had corrected it for this hearing.
Jan reviewed the noticing requirements for the public hearing and determined they were timely and accurate. The applicant noted that the notice in the newspaper was in the Sentinel out of Grand Junction since the property is closer to Mesa County. 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 – Memo from Jake Mall, Road and Bridge Department, dated 12-27-05; Exhibit G – Email from Jim Sears Sheriff's Department, dated 1-3-06, and Exhibit H – Letter dated 1-11-06 from Archie Uruauhart.
Chairman Martin entered Exhibits A – H into the record.
The applicant is requesting approval of a special use permit for a resort on the property known as the High Lonesome Lodge in DeBeque. The subject property consists of approximately 13,000 acres and is located northwest of DeBeque, Colorado on North Dry Fork Road and surrounded primarily by BLM land in the far western portion of the county along the North Dry Fork Creek drainage. The proposed resort activities would occur on approximately 30 – 50 acres of the ranch accessed by County Road 200, which winds through portions of the ranch and BLM to dead-end in the ranch. Previously, the Board approved an outdoor shooting range on approximately 1.5 acres of the ranch. The proposed resort would include six (6) cabins to house up to 35 guests for hunting and fishing activities on the property and adjoining public lands. In addition to the cabins, there is a residence for the ranch manager, a guide's cabin and a cookhouse. The resort will offer hunting and fishing activities to guests that will occur on the ranch and the adjoining public lands.
Recommendation:
Staff recommends the Board of County Commissioners approve the special use permit request for a Resort on the property known as the High Lonesome Lodge with the following conditions:

1. The maximum number of guests staying at the resort shall be 35. Any occupancy greater than 35 shall require a new land use permit.
2. Any lighting installed at the resort shall be directed downward and inward.
3. A stop sign shall be placed at any and all entrances to Garfield County Roads that are being used for commercial purposes.
4. All signs and installations shall be as required by the MUTCD (Manual on Uniform Traffic Control Devices.)
5. All accesses will have access permits on file with the Garfield County Road and Bridge Department or access permits should be issued to meet Road and Bridge standards.
6. No extra maintenance or snow plowing will be provided for other than what is normally provided at this time as a result of the approval of this SUP.

Applicant – this is a working range. Commercial businesses of this are one way the ranches of this size can still maintain agricultural. There are only 5 ranches certified for this type of hunting and fishing combined.

Buzz didn't have anything to add.
A motion was made by Commissioner McCown to close the public hearing; motion carried.
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent
A motion was made by Commissioner McCown to approve the SUP for a resort for the High Lonesome Lodge with the six conditions as shown in the staff report.
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

BUILDING AND PLANNING: ROSE RANCH/IRONBRIDGE – PUD TEXT AMENDMENT FOR IRONBRIDGE PUD – APPLICANT IS ROSE RANCH LLC – CONSIDER A REQUEST – RICHARD WHEELER

BUILDING AND PLANNING: ROSE RANCH/IRONBRIDGE – ZONE DISTRICT MODIFICATION FOR IRONBRIDGE PUD – RICHARD WHEELER

BUILDING AND PLANNING: ROSE RANCH/IRONBRIDGE – PRELIMINARY PLAN APPROVAL FOR PHASE II OF IRONBRIDGE PUD. THE REQUEST IS FOR 173 LOTS ON 81.38 ACRES. APPLICANT: ROSE RANCH, LLC. – RICHARD WHEELER

All three of these agenda items will be reviewed together with separate Resolutions.
Richard Wheeler, Don DeFord, Tim Thulson, Dave Forester and Mike Woulke were present.
Don reviewed the noticing requirements for the public hearings with Tim Thulson as above and determined they were timely and accurate. He advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Text Amendment 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 2-21-06
G	Application for the Text Amendment and Zone District Modification
H	Application and Exhibits for the Preliminary Plan Phase II of the Ironbridge PUD
I	Staff Power Point Presentation – to be shown at the hearing

Chairman Martin entered Exhibits A – I into the record.
Richard stated that pursuant to §4.12.03, §10.01.01 and §10.01.04 of the Garfield County Zoning Resolution of 1978, as amended, Rose Ranch LLC is proposing three (3) amendments to the Ironbridge PUD and one (1) Zone District modification.

1. For planning areas 1-19 and 21 the zone district amendment would allow one accessory detached habitable structure consisting of one bedroom, studio or work shop together with one bathroom, and the gross floor area of which shall not exceed 300 sq. ft., to be called a "Casita Unit". Each Casita shall be used and or occupied exclusively by the owner(s) or the family members and guest(s) of the owner(s) of the subject lot. The Casita shall not contain any kitchen facilities and shall not be leased.

Staff Comments: The Applicant will need to secure the proper building permits for the Casitas regardless of size, for any habitable structure. The building permits will have to meet all County Building Code and Zoning Resolution regulations, as well as all Subdivision PUD regulations.
There will be no kitchens in the Casitas. Studios, work areas or separate bedrooms.
Planning Area 19:

- Reduce the front yard setback to 10 feet. Currently the front yard setback in the area is 20 for single family homes and 15 for multi family residences
- Increase the total residential density from 74 to 78 units to allow for an additional four affordable dwelling units

They are proposing to change their storm water drainage plan and a more urbanized subdivision. Higher density.
Staff Comments: The decrease in setbacks is being sought pursuant to the applicants request to change the drainage from ditches and swells to a storm water drain system with gutters and drains, which may be adequately located in the reduced setback. The proposed gutter system is used commonly in urbanized areas. The applicant believes this drainage system will better serve the areas geotechnical issues. The reduction of the front yard setback will decrease the extent of over-lot grading that will be required for the location and construction of residential structures.
The increase in dwelling units shall conform to all underlying zoning for lot size, setbacks, parking, and if applicable to lot coverage and floor area ratio.

Planning Area 22

- Increase the total density from ten to twenty units to allow for an additional 10 affordable housing units.
- Reduce the Right-of-way from forty (40) feet to twenty six (26) feet.
- Increase the district boundaries of PA 22 to accommodate additional affordable housing. The corresponding adjacent parcel (Phase I, Golf Course 6) will decrease in size.

Staff Comments
Once again, the increase in dwelling units shall conform to all underlying zoning as to lot size, setbacks, parking, and if applicable to lot coverage and floor area ratio.
With the reduction of the ROW street parking should not be allowed and this is reflected in the PUD Covenants (Reception #623133). Emergency services will need an open street to gain access where needed. Approval specific to this amendment has been given from Garfield County Road and Bridge Department and Carbondale Fire Protection District.

Staff sees no issues with providing more land area for PA 22 to increase the number of affordable housing units. In the Preliminary Plan PA 22 and Phase 1 Golf Course 6 Parcel reflect the proposed changes and will be platted accordingly

PLANNING COMMISSION RECOMMENDATION

On January 11, 2006 Planning Commission voted to recommend **approval** to the Board 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 otherwise modified by the Board.
2. The Applicant shall submit a letter from the Garfield County Road and Bridge Department and Carbondale Fire Protection District agreeing to the Right-of-Way width reduction from forty (40) feet to twenty six (26) feet.

The County Commissioners may wave or modify the specifications, standards and requirements which would otherwise be applicable, as requested by the Applicant.

STAFF COMMENTS AND RECOMMENDATION: The Applicant has satisfied requirement 2 of the Planning Commission recommendations. Staff has received additional comments from GarCo Road and Bridge and The Fire District clarifying any issues with the ROW width reduction. Staff recommends the BOARD approve the PUD Text Amendment and Zone District Modification 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 otherwise modified by the Board.
2. The County Commissioners may wave or modify the specifications, standards and requirements which would otherwise be applicable, as requested by the Applicant.

Applicant:

Tim Thulson, Balcomb and Green, PC attorneys for the applicant LB Rose Ranch, LLC; Derrick Gosda, the managing member of Ironbridge Homes, LLC, the developer in joint venture with the owner LB Rose Ranch, LLC; Eric Forester operations manager for LB Rose Ranch LLC, and Ron Widler from High County Engineering, Inc. they are civil engineers and Steve Pollack, geotechnical consultant; Mike Woelke construction manager for Ironbridge Homes LLC.

Tim stated they have some tweaking with regard to the PUD for purposes of allowing the more affordable units on site and perhaps the change to allow modifications of the drainage to accommodate the geotechnical constraints that we experienced on the site. We agree with the recommendations of the P & Z as written. We have no requested modifications to them and we would urge you to adopt those recommendations. Some matters to discuss relating to the meetings with some of the adjacent neighbors across the river and the appropriate place to address that would be in the Preliminary Plan.

Derrick Gosda gave the brief update on Ironbridge saying that today Ironbridge is a great location, rated as a great golf course and in addition there are miles of bike pass and this year they will finish the other recreational. 292 units, completed first year and deemed – sold over 75 houses in 2005 – 80% of the buyers are local. The balance is second homeowners and developers.

Commissioner McCown – will the occupants of the affordable housing unit have the same rights and privileges as those folks who own and occupy the free market units?

Derrick Gosda – yes.

Chairman Martin – in reference to the Casas – refer to those as either a mother-in-law apartment without a kitchen but want to know what guarantee that businesses aren't going to be run out of those, such as the lone eagles, the computers, and the Internet Services, counseling, mentoring, any kind of arts and craft, or types of studios that bring in a commercial venture into those areas. Is there going to be some kind of review or control of that within the PUD?

Derrick Gosda – it is restricted in the PUD and also restricted by our Association, most of those uses are not allowed. There's no signage allowed period. These units are 300 square feet and there isn't a kitchen facility and mother-in-law is probably one of the more preferred uses. We do see home office uses, I have a home-office business. We do see a lot of work out rooms.

Chairman Martin - Would hope this is what they will be used for other than setting up some kind of stock broker trading on line, etc. taking in your neighbors and actually developing a business in your garage but it would be a mother-in-law's apartment.

Derrick said they would frown on that – we at the property owners level would try to enforce it.

Chairman Martin – then the reduction on the yard setbacks – we get smaller and smaller yards but we have families, etc. and outside activities, are you hoping that everybody uses the common areas?

Derrick Gosda – we have extensive common areas including almost 4 miles of bike paths, access to the river, large swimming facility with a rock slide, climbing wall, barbeque pit, tennis courts, etc. so we do provide a lot of recreational areas. Relative to the set back I can honestly say if you picture the planning area, and reference was made to Richard's slide, if you look at Pinon Court for example or River Bend Way, you have a fairly long line of lots and the set-back is 10 feet, you'll see a setback from most 15 – 20 feet and this is done so the houses are not on the same setbacks. We'll have some at 20 feet. We don't allow fences. You can fence certain areas behind your house, and the number of dogs is limited to one.

Chairman Martin – noticed and appreciates him getting in touch with all the emergency responders in reference to no parking on the reduced size of street from 40 to 26 feet and make sure this is enforced as well. There will no problem if that is followed. If we start seeing other things and the emergency vehicles trying to get through a street with parking on both sides that's down to 8 feet we may have an issue.

Derrick – in our CCR's we restrict parking on all of the streets – you can't park overnight on a regular basis, everybody has a party every once in a while, but there is no parking between 2 am and 5 am and they do enforce that now. You're limited to two cars in the driveway in front of the garage so you can't load your house up and have a lot of parking. If you want to do that you need to buy your house in another community.

Chairman Martin – those are some of the issues than came up as far as concerns. The other is vegetation in reference to how you break everything up, smaller lots, smaller setbacks, etc, common grounds; you've covered it in your application.

Public Comment:

Steve Gardner – 0405 CR 167 across the Roaring Fork River from the Rose Ranch development. When we last visited with the people from Rose Ranch they did agree to posting the river bank that are adjacent to our private properties and we hope this is adequate. Also, if you go back to the map with the lots on it, the big lots that are labeled 83 – 89 most of those property lots are the lots bounded by property owners who own property on both sides of the river and wondering what will protect those property owners that purchase those lots later down the road, since there's no fence and only a few signs, what will be their protection thinking that they're buying river front access or river front view when in fact that river front belongs to somebody else. Is there any attachment that the County Commissioners could be requested to the deeds of those properties so when somebody does have a transfer of ownership they are notified that those properties are not river front, do not have river front access? It seems to me that future owners should be warned, should know the same things that the developer knows today that we as private property owners know, that some method to warn them that if they do go off their lot down onto the river bank they are in essence trespassing.

Chairman Martin – that was a large concern in reference to 1998 when we had this particular discussion as well.

Steve – it seems to be pushed around and it doesn't seem to be answered and if you can put a deed restriction for the low cost lots why can't you put a deed notification of some kind saying that when this deed transfers the new owner when he signs that mortgage paper or when he signs for the transfer of that property the title company or somebody stands up and says we want to make you aware that even though you do see the river, you feel the river, you hear the river, you don't have access to it. You don't own it. There should be some statement attached to those deeds to protect future owners and in essence protect the private property of the people that own on both sides of that river.

Commissioner McCown – I guess Mr. Gardner it sounds like to me you answered your won question, I don't see it being any different than an irrigation ditch running through your land, and you not having any water rights. If you trespass, you trespass them. You can put all the things in your deed that you want to but it's still going to be your responsibility if they are trespassing on your land, to call the Sheriff and have then trespassed. This homeowners association is not going to do that.

Steve – the homeowners association did by a letter state that this in fact what they would do. They would attempt to control the trespassing of their people, but it needs to be more than a just a letter that they've sent to the property owners, I think it needs to be an attachment to those deeds on those lots.

Commissioner McCown – deferred to legal staff but to the applicant but I feel that's going a little bit beyond the scope of our authority and again that becomes a matter of if someone is trespassing on your property it doesn't matter if you're living on the Colorado River or Grand Avenue, it is your responsibility to trespass them.

Steve said they have called the Sheriff's office on trespassers on that particularly piece of property since the Sheriff does not know where the boundaries are he will not enforce the trespassing. Since Rose Ranch took the opportunity to remove all those landmarks that designated where those were the only other option that we would have would be build an ugly fence. And I realize that Rose Ranch has a requirement that would be a split rail fence; I don't have such a requirement. And I don't want to volunteer but I will be the president of the ugly fence committee.

Chairman Martin – hopefully we can resolve that before it gets to a feuding fence.

Tim Thulson – we met with most of the adjacent river property owners on Feb. 3rd on site and this is an unusual quirk in the law, if you're used to living on the Colorado River you usually own a thread of the river, in this instance there are numerous lots that come across the Roaring Fork River and up on the bank adjacent to the Rose Ranch or Ironbridge. And what we have agreed is a number of things: with regards to the commitment letter that was handed to you,

Chairman Martin – we are making copies of that letter and will make it an Exhibit.

Tim Thulson – the letter of February 4th we're willing to incorporate that within our conditions of approval and what we're doing is posting no trespassing signs every 50 feet along the common property line and where that's not feasible for instance where the property line lies within the 100 year flood, we'll post it at the high water mark. And the HOA will maintain that posting, now the HOA doesn't want to get into enforcement because we don't know if its our members or someone rafting down the river and I think that's going to take it to an area we don't want to go and it will be a planning issue as opposed to a Sheriff's issue and I don't think we want to do that, but we're posting the property, we'll send a letter out to our Homeowner's Association and they'll be informed at their annual meeting and on top of that we've agreed that in our supplemental declaration we will provide a notice in the supplemental declaration (a draft of what we're willing to commit to) and will pass that out. This was done more with Richard Neiley this morning so Steve may not know anything about this notice. But this will be a notice of record that we'll file with our supplemental declaration.

Chairman Martin – this applies to the present owners as well as the future owners. Label this as well – we have two exhibits – J will be the letter.

Richard Wheeler – on these Exhibits – in the discussion that's going on – would these exhibits be more pertinent to the preliminary plan.

Chairman Martin – they would but because we have this particular issue going we'll also refer to them as well.

Richard Wheeler – well all of these Exhibits that are being handed out are labeled wrong. I labeled them as exhibits for the Preliminary Plan and not the zone modification and the text amendment.

Exhibit J – letter from Ironbridge concerns the persons and parties and Exhibit K – notice just handed out which is the notice hereby given to all property owners within the PUD.

Chairman Martin entered these into the records and stated we will refer back to those later as well.

Tim Thulson – to address what I just handed you, we're very consonant of the property rights and what we're doing is putting everyone on notice that there are private properties that are in existence on our side of the river and what we're stating is, we will have a map, that will be attached to this notice that will depict those properties, we're referencing that we're posting the properties the no trespassing signs on the ground and notifying the owners that if

they go off onto those properties without the authorization of the lot owners that own the lot they're committing a trespassing and they are subject to civil and criminal prosecution. We think that this will address the issue.
Chairman Martin – and it will also take the cooperation of the Sheriff's office I would imagine also, certain notifications of again their office.
Tim – Well the people in Ironbridge will not be able to argue ignorance, even thought that's not a defense under the law for trespassing.
Steve – that's all I wanted to know was that those lots personally think that there should be a notice attached to them when transfer of deed takes place.
Richard Neiley – I've had an opportunity to talk about all these issues with Mr. Thulson and think pretty much everything has been resolved to our satisfaction. I did have one comment that Tim wasn't able to address specifically and that relates to the significant revisions to the drainage plan for the subdivision as a whole and Phase II in particular. You'll note from the submissions that there are curb and gutters being proposed and a storm drainage system that takes run off down the public company easement and creates some ponds and whatnot. You'll probably recall when you go back to the time of the initial approvals of the subdivision that there was a major concerns about controlling runoff into the river and making sure there was a filtration systems etc. and the systems originally anticipated involves swells that were designed to maintain runoff on site and filtrated on site. I've looked at the plans that were submitted for the new drainage system and frankly I can't tell if there's simply intended to divert runoff into the river or if the ponds are designed for retention and filtration and I think they have legitimate good reasons to redesign their drainage system, we would like an affirmative condition that says that there won't be direct discharge of runoff water from roads, streets, the golf course, parking areas, etc. into the Roaring Fork River without first passing through appropriate retention and filtration systems so that we don't run into a situation except in the extraordinary super storm or 100 year floor of something like that. We've got direct runoff in the river which could degrade the river and also affect downriver property.
Chairman Martin – I go along with the storm water drain rules and regulations from the Department of Health not being able to do that as well meeting those requirements.
Richard – I don't know if that really addresses this type of issue, I think what I'm concerned about is ensuring that there's not simply a culvert created so that when a parking lot drains, it goes directly into the river and frankly I don't know what the Department of Health regulations say on that.
Chairman Martin – it doesn't allow that, you have to retain it on site, etc without direct discharge.
Richard Wheeler – in the next application in preliminary plan and the application materials it shows the detention cells as well as comments from outside engineering that has reviewed that and it is more germane to this particular hearing on the text amendment.
Tim – responded that a lot of the issues are in these combined hearings amd we have Ron Widler here today and he will speak on the change of the drainage system on that treatment issue; I talked to Rick this morning and told him we have Ron available to give that presentation. We believe that what he will state is that the water going from the storm system which includes a retention pond from the swales will work better as a treatment to the water. This will be addressed in the preliminary plan and there's some other issues regarding lighting as well.
A motion was made by Commissioner McCown to close the public hearing;
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent
Motion for the Zone Text Amendment and the Zone District Modification
Commissioner McCown – in light of the fact that a lot of the basis for this Zone Text Amendment and Modification is the downsizing of the street from 40 to 26 feet, would it be appropriate to add a condition (3) that would as a part of the permitting process be more specific than the Homeowners Rules and Regulations and say "no on-street parking on these particular 26 foot wide streets?" This is just a reinforcement of what the applicant has testified to that their Homeowners Association does not allow that but from a safety standpoint I think it's critical for the emergency response people that this be strongly emphasized.
Don – are you suggesting something like a posting on the street?
Commissioner McCown - whatever it would take. As a condition of approval of this amended plat that this be specific that no on-street parking be allowed even in the time other than the 2 – 5 am that's currently allowed on this particular street that's been narrowed down.
Don – there's no problem again going back to the process – with the PUD purposes the approval of a narrower street can be conditioned as part of the PUD on whatever notice you think is appropriate, that's why I asked about on-street posting. Then when you get to the Preliminary Plan which is the next process, the Board may want to require a plat note.
A motion was made by Commissioner McCown that we approve the PUD Text Amendment and Zone District Modification with conditions 1 & 2 as alluded to in the staff report, adding Condition No. 3 "emphasizing no on street parking with appropriate signage indicating that."
Chairman Martin stepped down as Chair to second the motion.
Richard asked if that would be specific to this Fox Run Court?
Commissioner McCown – that would specific to the streets that have been narrowed from 40 to 26 foot.
In favor: McCown – aye Martin – aye Houpt - absent
BUILDING AND PLANNING: ROSE RANCH/IRONBRIDGE – PRELIMINARY PLAN APPROVAL FOR PHASE II OF IRONBRIDGE PUD. THE REQUEST IS FOR 173 LOTS ON 81.38 ACRES. APPLICANT: ROSE RANCH, LLC. – RICHARD WHEELER
Chairman Martin noted this was continued and we have already accepted notification.
Richard Wheeler submitted the Exhibits as follows and suggested on Exhibit U – application for the text amendment and zone district modification for Ironbridge, and it's accompanying 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 2-21-06
G	Application for Preliminary Plan
H	Memo dated 12-21-05 from Steve Anthony Garfield County Vegetation
I	Letter dated 12-27-05 from Colorado Geologic Survey
J	Letter dated 912-27-05 from Resource Engineering
K	Letter Dated 12-27-05 from Colorado Division of Water Resources
L	Letter dated 12-30-05 from Carbondale Fire Protection District
M	Staff Power Point Presentation – to be shown at the hearing
N	Letter dated 1-6-06 from HP Geotech
O	Letter dated 1-6-06 from Roaring Fork Conservancy
P	Letter dated 1-6-06 from the Colorado Division of Wildlife
Q	Letter dated 1-11-06 from Tom and Joan Dykema
R	Letter dated 1-11-06 from Suzanne Dameron and Sam Taylor
S	Email dated 2-10-06 from the Carbondale Fire Protection District
T	Email dated 2-10-06 from Garfield County Road and Bridge Department
U	Application for the Text Amendment and Zone District Modification For Ironbridge PUD and its accompanied exhibits (listed above as J & K)

Chairman Martin entered Exhibits A – U into the record.

Chairman Martin swore in the speakers.

Richard Wheeler gave the staff report for Phase II, the total size if 81.38 acres and 173 lots and is located 3.5 miles South of Glenwood Springs, east of CR 109, west of the Roaring Fork River

GENERAL PROJECT INFORMATION

Property Description: The Applicant is requesting to subdivide the following parcels of land previously subdivided as parcel, lots, and blocks and identified as within the Amended and Restated Final Plat – Iron Bridge PUD as follows

1. Golf Course Parcel 6, Phase I: 35.257 acres
2. Phase II Future Development (Lots 62-89): 18.28 acres
3. Blocks 1, 2, and 3 Phase II: 4.98 acres
4. Block 2, Phase III: 2.613
5. Block 4, Phase IV: 6.59
6. Open Space: 3.53
7. Right-of-way: 9.9

Collectively, these areas shall be considered as part of this application and shall be referred to as Phase II Preliminary Plan. The total number of proposed residential lots is 173; the total amount of land is 81.3 acres. The underlying zoning is PUD with specific zone districts as follows:

1. Golf Course
2. River Residential
3. Medium Density Residential
4. Club Villas

Phase II Preliminary Plan property is subject to all applicable terms, conditions, and provisions set forth within the following Resolutions (Reception Numbers): 531935, 546856, 546857, 646387, 646388, and 654210.

Approval of this application is sought to facilitate the development of Ironbridge in accordance with its phasing plan. To allow the platting of 24 on site affordable housing dwelling units, this is an increase of 14 on site units from the original plan. To subdivide for future conveyance to the Roaring Fork Water and Sanitation District the parcel previously identified for the location of the District's proposed surface treatment plant. Provide a different street and plan profile from 40 feet to 26 feet with curb and gutter, within specific areas of the plan.

§4:60 ADDITIONAL INFORMATION:

Protective Covenants, as amended are submitted with the application materials.

A phasing plan is proposed at this time. The proposal phasing plan is as follows:

- Filing 1 - Block 4 Phase IV Lots 172-209 and 225, Block 1 Phase II Lots 297-316, Golf Course Parcel 6 and Future Development Lots 84-89 (2005-2007)
- Filing 2 - Block 4 Phase IV Lots 210-224 and 226-249, Phase II Future Development Lots 62, 82, 83 (2006-2008)
- Filing 3 – Block 2 Phase II, Block 3 Phase II Lots 250-270, Block 2 Phase III Lots 271- 296 Phase II Future Development Lots 63-81(2006-2009)

Exhibits V – dated February 17, 2006 a letter from Colorado Division of Water Resources –

Chairman Martin entered Exhibit V into the record.

Geological hurdles and extension review on their new plan. Planning Commission has recommended specific plat notes. Another issue was the removal in the Riparian Habitat, some overzealous clearing – agreed to revegetate to the Conservancy's letter.

Each tract has access to a public right of way. The proposed ROW width reduction would affect Fox Run Court only and will serve 20 dwelling units, Lots 297-316 – east of the Golf Course Parcel 6. GarCo Road and Bridge Department has reviewed the plan and has no issue with the reduction. Carbondale Fire Protection District has reviewed the layout and has met with applicant concerning the turnaround at the end of Blue

Heron Vista. The District has also met with the Applicant regarding the location of the hydrant at the end of Blue Heron Vista. The fire district is satisfied with the turnaround and new location of the hydrant.

Several reports have been submitted concerning geologic hazards in the area. As most people are aware there major issues concerning sink holes. The applicant has prepared forthcoming studies specific to the sink hole issue and are part of the application materials. Additionally the Applicant has submitted additional comments in response to the review by CGC. Jonathon White from the Colorado Geologic Survey has submitted the following comments: "*In earlier reviews from this office and reports from HP Geotech, the major geologic hazards that can impact this development are debris flows, sinkholes and other subsidence phenomena related to evaporite bedrock dissolution (evaporite karst), and collapsible soils. Debris flow hazard have been mitigated by construction of detention features in the main drainage channel that the golf cart path follows into the hills to the west. We stated our general concurrence with the debris flow mitigation in a review letter to your office dated August 27, 2003 (CGS LUR No. GA-04-0001). The Ironbridge development is located in an area along the Roaring Fork River valley that has the highest density of sinkholes in Colorado, and recent spontaneous ground openings occurred earlier this year (January 9th) that damaged the Ironbridge golf club facilities. Collapsible soils are dry, lower density soil where the soil structure collapses in on itself, loses volume, and densifies when is becomes wet. Commonly called hydrocompactive soil, soil collapse manifests itself as ground settlement*."

Materials submitted by HP Geotech suggest that levels of Radon Gas may be present. The ability to test for this gas is difficult to test prior to construction of buildings. It is suggested that once buildings are constructed that tests for Radon Gas be done. Typically buildings are vented in lower enclosed areas to mitigate this issue.

.

A title commitment is included with the application materials.

PLANNING COMMISSION RECOMMENDATION: Planning Commission recommended approval of the Preliminary Plan for Phase II of Ironbridge PUD 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 Commission.
2. The Applicant shall comply with all drainage, grading, wet construction and geotechnical subsurface investigation for Phase II, as presented by HP Geotech.
3. A geotechnical engineer shall be retained to inspect and evaluate all raw grading surfaces, cut slopes, ditches, and any other excavations before covered with structural fill, topsoil, erosion blankets, foundation elements, etc, in order to insure, as best as possible, that visible ground and soil conditions that may indicate local ground subsidence will be discovered and addressed.
4. Site-specific foundation investigations shall be conducted for the individual sites.
5. The Applicant shall disclose the potential risks to all future purchasers concerning potential settlement from collapsible soils and risk of spontaneous ground openings related to evaporite karst phenomena.
6. Prior to the Preliminary Plan going before the BOCC, the Applicant shall submit to the State and County all applicable information showing that there is no material injury to existing water rights.
5. Prior to the Preliminary Plan going before the BOCC, the Applicant shall meet with Steve Anthony (GarCo Vegetation) or submits acceptable materials that clarify the issue of dead trees and snags as it relates to riparian habitat.
6. Prior to the Preliminary Plan going before the BOCC, the Applicant shall change the design of the turnaround at the end of Blue Heron Vista to comply with the International Fire Code (IFC) Appendix D Section D103.4 and change the location of the hydrant at the end of Blue Heron Vista to allow for unobstructed access.

9. The Applicant shall consult with the Colorado Department of Wildlife (if fences will be used) as to posting the property on the open space lot abutting lots 63-83, so it is clear that there is no trespassing onto the private property east of Ironbridge.

10. 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 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."
f. "There are potential risks concerning settlement from collapsible soils and risk of spontaneous ground openings related to evaporite karst phenomena "

STAFF COMMENTS AND RECOMMENDATION:

Staff is supportive of Planning Commissions recommendations. Issues that needed to be resolved prior to this Preliminary Plan going before the board are listed below.

1. Prior to the Preliminary Plan going before the BOCC, the Applicant shall submit to the State and County all applicable information showing that there is no material injury to existing water rights.

Staff Comment: Staff has not received any information from the Applicant concerning material injury to existing water rights

2. Prior to the Preliminary Plan going before the BOCC, the Applicant shall meet with Steve Anthony (GarCo Vegetation) or submits acceptable materials that clarify the issue of dead trees and snags as it relates to riparian habitat.

Staff Comment: The Applicant has submitted to staff a letter from the Roaring Fork Conservancy concerning the mitigation plan for re-vegetation of the riparian area.

3. Prior to the Preliminary Plan going before the BOCC, the Applicant shall change the design of the turnaround at the end of Blue Heron Vista to comply with the International Fire Code (IFC) Appendix D Section D103.4 and change the location of the hydrant at the end of Blue Heron Vista to allow for unobstructed access.

Staff Comment: The Fire District has met with the Applicant to discuss the turnaround and placement of the fire hydrant.

4. The Applicant shall consult with the Colorado Department of Wildlife (if fences will be used) as to posting the property on the open space lot abutting lots 63-83, so it is clear that there is no trespassing onto the private property east of Ironbridge.

Staff Comment: The Applicant has met with the surrounding property owners and has agreed to post the property. No fences are being proposed so the Applicant did not meet with DOW

Applicant:

Tim Thulson – generally again we agree with the staff recommendation and the P & Z recommendations and have no objections to the entry of those conditions and we would urge you to adopt the same. With regard too, I will address the remaining adjacent property owner issues as discussed between Mr. Neiley and myself in a group meeting on February 3, 2006. We have one issue of lighting of trees, we're talking of the lighting of the Christmas trees and we frankly didn't think that was an issue and caught us off-guard. We are willing to limit that lighting; we're under a general probation regarding the say the lighting allowing lights to go off the property – this is a general subdivision standard and those will be directed downward and shall not go off the property and I don't know if that has ever been addressed as to how that applies to Christmas trees but we are willing to cut that lighting back to the months of November through January and to have those turned off by 10 p.m. and I would also note that has been done as of last night. We have no problem with that at all we just never really thought that was an issue. And I believe except for the drainage issues that Mr. Neiley spoke of which we'll address later, I think that addresses together with the notice we're giving with regard to the postings with the property, addressed the property concerns.
I would note that we always get a material injury letter out of the State Engineer and they have given their non-injury letter and we received that Friday. That's the reason for the late submittal.
This Preliminary plan implements the changes we're seeking under the PUD and we believe they are reasonable, the primary reason we are going with the storm drainage is the geotechnical concerns out there, they have found it is better to get the water through the subdivision than to let it sit on site with the sinkhole problem and we've done extension geotechnical analysis out there and Steve Pollack can address this and Ron Wilder will speak to the drainage and we believe it affords a better level of treatment than it presently proposed under the swale. The proposal is for this section of the subdivision.
Ron Wilder – addressed the drainage issues – This offers a higher level of treatment for the storm water, if you look in the Urban Drainage Flood Control District which kind of outlines the different best management practices for treating storm water, the grass line swales offer a low to a moderate level of treatment in water quality ponds offer a moderate to high. The water quality ponds are designed to capture the two year storm event and release it under a 40 hour period which allows the suspended solids to basically settle out and then you release the treatment storm water drainage. So they do provide a higher level from a maintenance standpoint, they're much easier to maintain; you've got four or five water quality ponds that you can send equipment down in there as opposed to 173 lots with a 173 storm drain pipes, if you're going to remove the sediment that's collected in the ditch typically you have to do that with some sort of heavy equipment; you've got to establish grass which is now going to be disturbed or removed and you've basically recreated the problem that you're trying to avoid. So it's a much better solution especially given the amount of density that we have here. Your lots are 50 foot wide, you've got 25 foot pipe and 25 foot of ditch and so it's much cleaner look and much easier to maintain.
Chairman Martin – so you're going to guarantee me that the neighbors to the north there across the river looking at the Rose Ranch are not going to see a great big mud flow coming down a culvert and coming directly into the river and clouding it all up instantly every time there is a rain storm.
Ron Wilder – if they do it will be much greater than a 2-year storm event.
Chairman Martin - I think that's one of the concerns because they do like watching their river and they do like fishing there, so I think it's a big concern o them.
Ron – these are dry ponds by the way so they won't have a standing water surface.
Chairman Martin – that was my next question in reference to our contract with the mosquito control, are we going to have a real problem over there along the river and creating a nuisance.

Commissioner McCown - these dry ponds, they will have a drainage device in the bottom of them to let the water out slowly after it's settled out?
Ron – yes sir.
Chairman Martin – meeting all the state standards for meeting the water retention and control – water volume.
Ron – yes sir.
Tim Thulson – open up for public comments.
Public Comments:
Richard Neiley – addressed the outside lightening issue saying they are not just talking about the holiday lightening, the issue came up because there were about 30 full size trees that were lit at the entrance to the Clubhouse area from dusk till 11 pm every night and it was the type of lighting that was specifically prohibited by the original Resolution 98-80 provided that the developers provide covenants that will minimize outdoor lightening and that will forbid outdoor lighting from shining off the property but rather ensure that outdoor lighting will shine down and toward the structures. This was an important condition of original approval because when you're talking about 330 units in an area relatively congested you're talking about significant for potential light improvement. When Tim and Rick talked about it, Tim was very responsive and Rick didn't want to make it sound like a trivial or insignificant item however because the potential impact is very significant and in fact the lights that particularly promoted this objection could be seen from the rise on Highway 82 as soon as you leave Carbondale three and one-half miles away. There was clearly a violation. The other problem we have is that there was supposed to be a provision in the Homeowners Covenants notifying all the homeowners of the prohibition of outdoor lighting shining off of-site and those don't exist as far as Rick could find. In looking at the Covenants there's been a number of amendments but the Covenants as currently drafted provide that exterior lighting or lighting that shine from the interior to the outside is subject to control from the architectural committee, there needs to be a specific reference to Resolution 98-80in this regard. One of the things we have suggested is that we're wanting to get characterized as a Scrooge if you don't want to look at holiday lightening and suggested to Mr. Thulson after talking to my neighbors is if people want to put up holiday lights they're going to do it and it's almost impossible for the HOA to beat on every door and say take your Christmas lights down, we've suggested a period of time from the 20th of November until the 10th of January in which holiday lights would be acceptable in the subdivision with a condition that they turn them off at 10 pm at night. Frequently the lights stay on all year long and if no timer then they stay on all night long. This jumps out and very visible and should be addressed as the project moves forward. Needs to be a protocol for this.
Chairman Martin – we will need to reeducate a lot of landscape architects in reference to their lighting plans for all these nice developments that they have.
Tim – we have no objection at all to put that type of limitation on the holiday lights.
Derrick Gosda – there are already restriction on landscaping in the PUD.
Don – raised the same question at the previous hearing on the width of streets, what provisions have been made for– visitors parking and notification.
Derrick Gosda – on one of the slides the guest parking was pointed out and stated that it is immediately where the swimming pool and recreational areas; there is also 20 feet of paving versus 24 feet of paving.
Don's concerns – no parking – this doesn't leave anything for parking for visitors unless visitors know where they can park.
Mr. Gosda – in front of the house and in the recreational area.
Chairman Martin – requested signage and notification to property owners.
A motion was made by Commissioner McCown to close the public hearing;
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent
A motion was made by Commissioner McCown to approve the request of the Preliminary Plan for Phase II or Ironbridge PUD with the conditions of the Planning Commission striking number 6 because the applicant had met it and replacing number 6 with the condition "that all property boundaries will be adequately marked as alluded to in the prior testimony of the Zone Text Amendment hearing that we just approved"; number 11 adding "that the fire hydrant location on Blue Heron Vista I believe must be approved by the Fire District; number 12, referring again to lighting, no lighting shall shine off the property, I guess we would call this the Grinch condition that all Christmas lights be allowed from November 1 through December 31 but must be turned off by 10 p.m. Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

BUILDING AND PLANNING: BERGER, DON AND JANICE – FLOODPLAIN SPECIAL USE PERMIT FOR A PROPERTY LOCATED AT 4451 CR 117 – CONTINUED PUBLIC HEARING – FRED JARMAN

Fred Jarman, Jan Shute and Don Berger were present.
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 F -Application materials; Exhibit G – Letter from Resource Engineering dated 1-31-2006; Exhibit H – Subsequent Floodplain analysis from the applicant dated 1-30-06; Exhibit I – Memo from the County staff dated 2-21-06; Exhibit J – Second set of subsequent floodplain analysis from the applicant dated 2-6-06; and Exhibit K – Letter from Resource Engineering dated 2-08-06. Chairman Martin entered Exhibits A – H previously in the record and added Exhibits I - K into the record.

II. BACKGROUND

As you recall, on Monday, February 6, 2006, the Board continued the public hearing on the request for a Floodplain Special Use Permit to February 21, 2006 so that Resource Engineering (on behalf of the County) could review the newly submitted materials regarding the proposed bridge span crossing the east channel instead of the originally propose culvert and fill. Staff has attached the original Staff report for your information.

The illustration to the right shows the proposed crossings that are now proposed to be by bridges spanning the floodway in each channel.

III. STAFF COMMENTS

When Staff reviewed the original proposal, Staff found that the proposed culvert and fill in the east channel of Fourmile Creek did not satisfy the following regulation:

6.09.01

(1) Prohibited Uses and Activities. The following uses and activities are prohibited in the Floodway:

(A) Encroachments, including fill, new construction, substantial improvements and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. If the technical evaluation satisfies the requirement, all new construction and substantial improvements shall be required to meet the performance standards set forth in Section 6.09.02(3).

Resource Engineering reviewed the subsequent information where the Applicant proposes to cross the east channel with a bridge span such that it is not located in the floodway (see Exhibit K). As a result, Resource Engineering concluded that the revised proposal is consistent with the regulation above and recommends the Board approve the request. Staff agrees with this recommendation and also finds that the application meets the required standards in Section 6.00 for development in the floodfringe.

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. All new construction or substantial improvements shall be designed and adequately anchored to prevent flotation, collapse or lateral movement, be constructed with materials and utility equipment resistant to flood damage, and be constructed by methods that minimize flood damage.
3. The Applicant shall provide the County with an approval from the US Army Corps of Engineers stating that the bridge spans have been approved prior to the County's issuance of a Special Use Permit.

Applicant: appreciates the opportunity to review the proposal and make the changes.

A motion was made by Commissioner McCown to close the public hearing;

Chairman Martin stepped down as Chair to second the motion.

McCown – aye; Martin - aye

Commissioner McCown made a motion to approve a Floodplain Special Use Permit to cross Fourmile Creek for a property located at 4451 County Road 117 with 3 conditions as recommended by Staff."

Chairman Martin stepped down as Chair to second the motion.

In favor: McCown – aye Martin – aye Houpt - absent

BUILDING AND PLANNING: RANCH AT THE ROARING FORK - FALMOUTH, INC. ELDER AMENDED PLAT – FLOODPLAIN SPECIAL USE PERMIT FOR TRACT A – RESUBDIVISION OF LOTS 47 – 63, PHASE IV, FILING 3

Fred Jarman, Jan Shute, Chris Romeyn with Schmueser, Gordon, Meyer representing Tom Daugherty and Tom Sweed – principal in Falmouth were present.

reviewed the noticing requirements for the public hearing and determined they were timely and accurate. Notices – January 18, 2006 and posting in the Glenwood Post – 1-18-06. Two notices. 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 – Staff memorandum and Exhibit F – letter from Petre & Petre to Building and Planning dept dated 5-19-03 and Exhibit G – letter from Resource Engineering 2-14- and Exhibit H– new site plan by the applicant dated today. Chairman Martin entered Exhibits A – H into the record.

GENERAL PROJECT INFORMATION

The Applicant owns a lot (Tract A containing 1.204 acres) in the Elder Subdivision, which is located within the Ranch at the Roaring Fork Planned Development east of Carbondale on State Highway 82. The entire the property is located in the 100-year floodplain of the Roaring Fork River as mapped by FEMA. More specifically, the majority of the property is located in the flood-fringe of the 100-year floodplain. Tract A is land-locked behind Lots 2 and 3 but has an existing 20-foot access easement from Surry Street, as shown on the Amended Final Plat, to Tract A across Lots 2 and 3. Physically, the property is located adjacent and south of State Highway 82 at the northwestern most corner of the Elder Subdivision. The lot is basically flat and contains several jurisdictional wetlands, which are presently staked on the ground. The Applicant does not intend to construct a single-family dwelling at the present time. The Applicant wishes to obtain SUP approval as a condition on a contract to sell the property.

PROPERTY HISTORY

The Elder Subdivision (Ranch at the Roaring Fork IV, Filing 3) was approved by the Board in September, 1978 and subsequently amended in April, 1995. A letter from Petre & Petre, dated 5/19/03 explains a bit of history of Tract A (attached). It states, "Originally, development of Tract A was prevented by a wetlands determination by the Corps of Engineers. Nonetheless, the original developer, John Elder, reserved the development rights in Tract A under the terms of a Settlement Agreement dated May 26, 1994, with the HOA…The Settlement Agreement provides for water and sewer service to Tract A in the event of development. Subsequently, the Corps indicated to Falmouth [then owner of Tract A] that a redetermination regarding the wetlands was likely, allowing development of the lot. The Corps later confirmed such redetermination and ultimately Falmouth (owner of Tract A) decided to pursue development of Tract A for a single-family development." The 1982 floodplain map shown above illustrates the area of the flood-fringe in gray with the subject property outlined in black.

APPLICABLE ZONING REGULATIONS

The property lies almost entirely within the 100-year floodplain as regulated by FEMA and depicted on the map above. Any development in the FEMA regulated floodplain requires a Special Use Permit from the Board of County Commissioners. Specifically, Section 6.08 of the Zoning Resolution of 1978, as amended provides an administrative procedure to obtain a floodplain Special Use Permit which includes the following requirements:

1) *To assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344.*

Staff Response

As mentioned above, the US Corps of Engineers approved a redetermination of the wetlands on the property which allowed for development of Tract A for a single-family dwelling. Additionally, the Applicant provided a letter from the Corps which provided an approval for a Nationwide General permit No. 29 for a driveway access into the property which required the placement of fill in waters of the US. Staff finds this standard to be met.

2) *To determine whether proposed building sites will be reasonably safe from flooding, and that the structure will be in compliance with the applicable provisions for uses and standards for construction set forth in this Resolution.*

Staff Response

The Applicant's request will establish a building envelope which will identify the elevation of the first finished floor at 6,203 feet. This requirement is essential to a building permit approval by the Building and Planning Department where the builder / Applicant shall be required to provide a "flood elevation certificate" demonstrating the first finished floor of any proposed single-family dwelling is at least 1 foot above the 100 year base flood elevation. Further, the owner of the property constructing the dwelling shall be required to adhere to the performance standards set forth below from Section 6.09 of the Zoning Resolution for residential development in the flood-fringe. Staff finds this standard is met.

3) *To determine if the proposed development is located in the floodway. If located in the floodway, assure that encroachment provisions of Section 6.09.01(1) (A) are met.*

Staff Response

The proposed building site is located in the flood-fringe of the 100-year floodplain and not located in the floodway. Staff finds this standard to be met.

4) *To assure that adjacent communities, the Colorado Water Conservation Board and Federal Emergency Management Agency have been notified of the proposed watercourse alteration or relocation.*

Staff Response

Does not apply as there is no proposed alteration of the watercourse of the Roaring Fork River. This standard is met.

5) *To assure that the carrying capacity of the altered/relocated watercourse is maintained.*

Staff Response

Does not apply as there is no proposed alteration of the watercourse of the Roaring Fork River. This standard is met.

The Applicant shall also specifically address the following review criteria for development in the floodplain pursuant to Section 6.09.02 of the Zoning Resolution:

Performance Standards. The following performance standards must be met for development in the Flood Fringe or Flood Prone Areas:

A. *The lowest floor, including basement, of any new or substantially improved building designed for residential occupancy shall not be less than one (1) foot above the maximum water elevation of the 100 Year Flood.*
B. *All new construction or substantial improvements shall be reasonably safe from flooding.*
C. *Any new construction or substantial improvement designed for commercial or industrial uses shall either:*
   (i) *Elevate the lowest floor level, including basement, to not less than one (1) foot above the maximum water surface elevation of the 100 Year Flood; or*
   (ii) *Provide flood-proofing improvements so that below an elevation of one (1) foot above the maximum water elevation of the 100 Year Flood, the structure, together with attendant utility and sanitary facilities, is water tight with walls substantially impermeable to the passage of water. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Evidence shall be submitted and certified by a registered professional engineer or architect that the flood proofing meet the standards as set forth herein.*
D. *Any proposed development shall be reviewed by the Floodplain Administrator to insure that the potential for flood damage by the 100 Year Flood is minimized, that all public utilities and facilities are located, designed and constructed so as to minimize damage by the 100 Year Flood and that adequate drainage is provided to reduce exposure to flood hazards.*
E. *All new construction or substantial improvements shall be designed and adequately anchored to prevent flotation, collapse or lateral movement, be constructed with materials and utility equipment resistant to flood damage, and be constructed by methods that minimize flood damage.*
F. *New or replacement water supply systems and sanitary sewage systems shall be designed so as to minimize or eliminate infiltration of floodwaters. On-site individual sewage disposal systems shall be located so as to avoid impairment of them or contamination from them during a 100 Year Flood.*
G. *Insurance Rate Maps) all new construction and substantial improvements of residential*

structures shall have the lowest floor, including basement, elevated above the highest adjacent grade of the nearest street to or above the depth number specified on the Flood Maps. Any new construction or substantial improvements of nonresidential structures in areas identified as subject to sheet flow shall have the lowest floor, including basement, elevated above the highest adjacent grade to or above the depth number specified on the Flood Maps, or, together with attendant utility and sanitary facilities, be completely flood-proofed to or above the elevation of the water surface as specified on the Flood Maps.

H. Require that all manufactured homes or those to be substantially improved to be placed within Zone A on a community's FEMA or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. A manufactured home should be elevated a minimum of one (1) foot above the base flood level and anchored to the elevated foundation.

I. Section 6.10 DISCLAIMER OF LIABILITY: The degree of flood protection required and intended to be provided by this Regulation is considered reasonable for the protection of life and property and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes. This Regulation does not imply that areas outside the designated floodplains or land use permitted within such floodplains will be free from flooding or flood damages. This Regulation shall not create liability on the part of the County or any officer or employee thereof for any flood damages that result from reliance on this Regulation or any administrative decision lawfully made thereunder.

Staff Response

Staff finds the Applicant has adequately addressed these performance standards and shall continue to do so as conditions of approval for any Floodplain Special Use Permit issued for this property as they are "performance standards" to be met through construction and location of the single-family dwelling on the subject property as demonstrated through the building permit process. Specifically, the Applicant has delineated a building envelope which contains a specific finished first floor elevation of 1 foot above the 100-year base flood elevation of 6,203 feet.

STAFF RECOMMENDATION

Staff recommends the Board approve the proposed Floodplain Special Use Permit with the following conditions:

1. That the testimony provided by the Applicant in the public hearing before the Board of County Commissioners shall be considered conditions of approval unless specifically modified by the Board of County Commissioners.
2. The lowest floor, including basement, of any new or substantially improved building designed for residential occupancy shall not be less than one (1) foot above the maximum water elevation of the 100 Year Flood.
3. All new construction or substantial improvements shall be reasonably safe from flooding.
4. All new construction or substantial improvements shall be designed and adequately anchored to prevent flotation, collapse or lateral movement, be constructed with materials and utility equipment resistant to flood damage, and be constructed by methods that minimize flood damage.
5. New or replacement water supply systems and sanitary sewage systems shall be designed so as to minimize or eliminate infiltration of floodwaters. On-site individual sewage disposal systems shall be located so as to avoid impairment of them or contamination from them during a 100 Year Flood.
6. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade of the nearest street to or above the depth number specified on the Flood Maps. Any new construction or substantial improvements of nonresidential structures in areas identified as subject to sheet flow shall have the lowest floor, including basement, elevated above the highest adjacent grade to or above the depth number specified on the Flood Maps, or, together with attendant utility and sanitary facilities, be completely flood-proofed to or above the elevation of the water surface as specified on the Flood Maps.
7. Require that all manufactured homes or those to be substantially improved to be placed within Zone A on a community's FEMA or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. A manufactured home should be elevated a minimum of one (1) foot above the base flood level and anchored to the elevated foundation.
8. The degree of flood protection required and intended to be provided by this Regulation is considered reasonable for the protection of life and property and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes. This Regulation does not imply that areas outside the designated floodplains or land use permitted within such floodplains will be free from flooding or flood damages. This Regulation shall not create liability on the part of the County or any officer or employee thereof for any flood damages that result from reliance on this Regulation or any administrative decision lawfully made thereunder.
9. The Applicant shall provide a scaled site plan to the Building & Planning Department accurately illustrating the wetlands on the property. No development on Tract A shall impact the jurisdictional wetlands delineated on the property unless specific approvals have been obtained by the US Corps of Engineers. Such proof of approvals shall be provided to the Building & Planning Department at the tome of

building permit application.

Fred read from Exhibit G. The issue has come to light – original proposed envelope – Exhibit H – shows the 50 off Highway 82 requires a 25 front yard setback.

A motion was made by Commissioner McCown to close the public hearing;
Chairman Martin stepped down as Chair to second the motion.
McCown – aye; Martin – aye Houpt - absent

A motion was made by Commissioner McCown to approve the SUP for a floodplain with conditions as listed – no. 5 striking the last sentence, correcting the type on page 7 – time of building permit and number 10 include all the conditions by Michael Erion of Resource Engineering.
Chairman Martin stepped down as Chair to second the motion.
In favor: McCown – aye Martin – aye Houpt - absent

Power Point Presentation County Fair

Jesse Smith and FairBoard Leslie Torres Fair Board Member
Fair Board wanted to put together a power point for the Fair for all citizens. She said they were working on future plans not just working on one year. They want to Produce a fair organic self support and establish a long range plan.
Theme for 2006 is – **It ain't just cows'n cookin"**
There will be something for everyone
Opening for the Fair will be the parade, horse events, move parade to the first Saturday. Hunting and fishing expo, lawn mower races, royalty.
During the week – grill challenge barbeque and watermelon eating – community
Minor madness – teens, kids rodeo, junior rodeo, senior/peewee classic CPRA rodeo.
Stick horse races – for kids.
Closing weekend round robin, buyers – concern, pancake pet costume and community praise and worship service.
Income – admission same
Area service clubs
Sponsorships.
Local service clubs – Kiwanis – attend and solicit – some of the events are put together – designate events to be organized and run by the clubs and benefit the clubs – promote it as part of the Fair.
Advantages – increases attendance – Fair Board has limited
Disadvantage – profits do not benefit the Fair.
The marketing firm will distribute the 4H/FFA rule book – produce 400
Open Class booklet – everyone can compete –grow something – verbiage
Fair Program – about 2 – weeks before – hotels, chambers, programs when entering the Fair – includes stories to generate interest
Cost – design and printing and income would come from sponsorships.
Marketing:
Renal Lott submitted a proposal and Leslie presented her position. She would do marketing and public relations, graphic and compensation. Advertising, radio, advertising, public relations – press releases – journalist background.
Sponsorships part of her position – manage sponsor benefits – coordinating.
Graphic Design – publications posters and print
Compensation – paid commission on sales and based upon a progressive scale – design all the booklets.
Fair Book has been outsourced and the Fair Board wants hands on.
Hold a retreat in March – amend Bylaws, form a 3-5 year strategy
Jesse – what we need today is authorization to develop a contract for services for the PR based on a commission basis and get this back; Leslie needs to contract and get this person started.
The Board questioned Leslie on several factors that involved marketing, etc.
Leslie said the biggest change would be to have truly a County Fair for everyone. Livestock show, rodeo, concert – looking at planning an event with someone for everyone and events through the PR efforts. She reiterated that it takes 3 years for an event to catch on and if we continue it will be successful.
Dates of the Fair – 1st Friday in August to the second Sunday in August. August 4 – 13 of August.
Today – Jesse stated today they need a motion to authorize putting out a contract for Janell Lott for signature of the Chairman.
Commissioner McCown so moved. Chairman Martin stepped down as Chair to second.
In favor: McCown – aye Martin – aye Houpt - absent

Executive Session

Ed Green requested a session to discuss an Airport Matter – deliberative and need Carolyn and Dale Hancock.

A motion was made by Commissioner McCown to into an Executive Session; Chairman Martin stepped down as Chair to second the motion. Motion carried.
In favor: McCown – aye Martin – aye Houpt - absent

A motion was made by Commissioner McCown to come out of Executive Session; Chairman Martin stepped down as Chair to second the motion. Motion carried.
In favor: McCown – aye Martin – aye Houpt - absent

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

FEBRUARY 27, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Joint meeting with the Board of County Commissioners and Silt Town Council regular meeting of the Board of County Commissioners began at 6:00 P.M. on Monday, February 27, 2006 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. Other present included: Randy Withee, Marvin Stephens and Jesse Smith.

Town Council Members: Doug Williams, Ted Tibbetts, Mayor John Evans, Keith Wood, Meredith Robinson, Dave Moore, Engineer Dave Katz, Community Development Janet Aluise; Attorney Julie Hanson and Administrator Rick Aluise

CALL TO ORDER
Chairman Martin called the meeting to order at 6:00 P.M.

Agenda Items
County Roads in the Silt Area
Stillwater
Oil and gas and road construction to county standards

Chairman Martin informed Town Clerk Sheila McIntyre that we would rely on her tapes of the meeting.

The meeting was adjourned.

The Baord of County Commissioners left to go into the Community Room to hold an Executive Session.
The meeting was called back to order at 7:10 p.m.
Commissioner McCown moved to go into Executive Session to discuss oil and gas litigation on the Amos and Detrick violation hearings, moratorium, travel request from Social Services, and the stipulation of the Board of Adjustment.
Commissioner Houpt seconded. Motion carried.
Commissioner McCown moved to come out of Executive Session. Commissioner Houpt seconded. Motion carried.
Action Taken
Out of State Travel – Shane Sullivan – Human Services
Commissioner McCown moved to approve the out of state travel request for Shane Sullivan, Child Welfare Worker with Human Services. Commissioner Houpt seconded.
In favor: Houpt – aye; Martin – aye; McCown – aye.
Board of Equalization – BAA – Valley Investment Properties, LLC
Don DeFord stated that the Assessor has reached a stipulation for a settlement in the BAA case involving Valley Investment Properties, LLC reducing the value on that property by approximately $80,000 to a stipulated value of $1,134,000 and requested authority to execute that on behalf of the Baord of Equalization.
Commissioner McCown so moved; Commissioner Houpt – seconded.
In favor: Houpt – aye; McCown – aye; Martin – aye
EnCana Violation Hearing – Detrick and Amos matters
Don stated we have a request to state our formal position regarding withdrawal of our intervention in the EnCana Violation Hearing involving the Detrick matter and the Amos matter; they are currently pending for hearing. This would be a withdrawal in anticipation of entry of an administration order of consent between the State and EnCana in both matters and asked the Board's position should they be able to reach final resolution on the AOC's.
Commissioner McCown would support the withdrawal of the intervention with conditions and not have a problem with one of the statements in one of the recommendations being in disagreement with the days and that we would want the fine money to go toward the public project and within the next 30 days.
Commissioner Houpt – make certain of the fee period because this is the actual period of violation and this seems as if this is going to be an on-going argument but at some point we need to recognize that the period of violation starts with tests.
Chairman Houpt seconded.
Clarification - Don said in regard to additionally stating the Board's position regarding the actual violations and the basis of the violation does the Board want me to include Dr. Thyne's anticipation position.
Chairman Martin – yes that was part of the conditions as well as the other statements.
Commissioner McCown it still has to be what they presented to us, this is what we're agreeing to, anything other than that we won't agree to.
Commissioner Houpt – to the extent of the violation.
Chairman Martin – we're making a determination based on the number of days counted versus how many days have been documented.
Commissioner McCown – they can increase the amount of time and we won't have an argument.
Don – I will include a statement that the condition in the administrative order of consent be consistent with the representations made to us.
In favor: Houpt – aye; Martin – aye; McCown – aye

Health Insurance Update – Ed Green reported that Frank Urman said that we've had bad experiences last year with about a dozen claims ranging from $25,000 to $100,000 range, normally averaging $4,000 – one was $300,000 – so we're looking at a 15.5% increase. Judy Osman is looking at the data. We went from the lowest to the highest in one year. Ed said he would like to visit with each of the Commissioners and explore some possibilities.
Commissioner McCown – at one time Ed mentioned to me that a lot of these employees are relatively short tenure, do we have that data?
Ed – yes and that's what Judy's looking at and will be able to provide you with what makes sense. We might have a holiday but it would only be for ½ month instead of the whole month.

Pitkin County Joint Meeting
Ed stated they want to meet with the Commissioners and asked if they wanted it in March, April or May.
The Commissioners agreed that May would be the better month.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

MARCH 13, 2006
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 13, 2006 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

Executive Session: Litigation Update; Legal Advice - Phone Conference with Dr. Thyne, Oil and Gas Consultant from the Colorado School of Mines
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to go into an Executive Session; motion carried.
Don DeFord requested an Executive Session. He had advised the Board that Dr Thyne would be available to discuss the report submitted as a deliberative document and would like the Board to give considerations to him.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.

COUNTY MANAGER UPDATE – ED GREEN
Important Dates
May 17, 2005 Pitkin County Commissioners 12 noon – 2:00 p.m.
March 30, 2006 – Tim Sarmo – Round Table Discussion and Dinner on Natural Gas Development at Palisade Community Center – 120 W. 8th Street from 5:30 pm – 9:00 pm

Executive Session Item – Negotiation with CBET

- ***Human Services – Ratification of out-of-state travel for Shane Sullivan – Lynn Renick***

Lynn Renick - This is a request for Shane to transport three young children for a trail home visit in Ohio. Shane will be working with the family towards potential reunification. The amount of the travel is for $1550.00 and the schedule of the travel is March 11, 2006.
Lynn had spoken to several of the Commissioners over the phone so this is a ratification item.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to ratify the travel request in the special meeting on March 6, 2006.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Maintenance – Replace ceiling tile in the Clerk & Recorder's offices – Richard Alary***

Richard submitted a bid award for Hess Contracting for the not to exceed price of $15,972.00 for the replacement of the commercial ceiling tile.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt that we award the ceiling tile in the Clerk's Office in the not to exceed price of $15,972.00 to Hess
In favor: Houpt – aye Martin – aye McCown - aye

- ***National Services Reserves – Resolution to amend Resolution 2006-04 concerning distribution of receipts – Georgia Chamberlain***

This is to correct an error in the amount of 2005 funds received from the National Forest Reserves to be disbursed. This was a typographical error of $200.00.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution making the correction of a Scribner's error of $200.000 in the 2005 funds received from the National Forest 462.000.00 that may not be received next year unless there's a change.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Road and Bridge – Antero Pipeline Request – Jake Mall***

Steve Woodward, Vice President of Antero Resources and Gary Davis with Convent Ventures engineer consulting firm and do most of Antero Pipeline design and engineering work, and Jake Mall with Road and Bridge were present.

Antero Resources II Corporation has requested permission to construct a 12.75 inch steel natural gas pipeline within the County ROW on Airport property and private property. The length of the pipeline is approximately 2,365 feet and 10,470 feet on other properties. The pipeline will start at CR 346 (Rifle Silt Road) after boring under I-70 with a bore under CR 346 and follow CR 352 (Airport Road) to a point north of CR 333A (County Shop Road). There will be a bore under CR 352 and the pipeline will continue south on the utility easement on County property to the utility easement for Colorado Ute power lines and then turn west. There will be a bore under CR 333 and continue west to the Queststar pipeline connection.

Antero Resources II Corporation will be required to post a letter of credit in the amount of $100,000.00 for the construction phase and a letter of credit in the amount of $8,000.00 for revegetation. The letter of credit will be held for 12 months for construction and the revegetation letter for 2 years.

Scott Aibner, County Surveyor clarified the right-of-way. The portion of CR 352 that will be realigned where the Airport runway extension does have a designed new right of way and Scott has been working closely with Jeff Nelson, County Engineering and have received the design information. Currently the stretch from the top of the hill on CR 352 down to Mamm Creek exchange, the right of way for the gas line has been established westerly and parallel to the proposed new right of way for the County Road 352.

Jake stated the only portion impacting the County road right of way

Carolyn has been given an electronic transmission of the maps and the right of way being proposed.

Gary Davis stated this is the first phase of the project. They have had some wells come in and they are seeing what is happening.

Carolyn – the BOCC has already directed me to create an easement agreement for the section of the pipeline that's north and south of the well pad and for the well pad itself and then to create a license agreement or permit for the pipeline that's not on Airport property directly but rather is off along the County Road.

Steve Fontanela is the gentlemen working with Rifle and Bill Priene Division Land Man of the Denver office. The pipeline will be done at the same time.

This didn't request action by the Commissioners as this is a Road and Bridge issue.

COUNTY SHERIFF UPDATE: LOU VALLARIO

Lou is having a test today at Valley View Hospital.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice - CEBT; Deliberative Action on out of home placement; 4-mile road; discussion of the EnCana Violation hearing set for next week; application by Williams Energy and participating; discuss the current pipeline regulations – COGCC rules and receive direction; (Mark needed) – set a meeting for the 16th at 6:30 Event Center in Rifle to present the Divide Creek; personnel discussion; zoning violation for Bair Ranch; Legal advice land use amended plat – Carbonate – Mark will be needed; legal advice on County Property, Valley View Hospital and liens attempted to be served.

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.

- ***CBET Contract Negotiation***

Public Direction – proposed alterations

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to direct staff with the present plan in place now, which would carry to July 2007 beginning January 1, 2007 – increase in proportional share of health insurance.

This will come out of their December paycheck for January 2007.

In favor: Houpt – aye Martin – aye McCown - aye

- ***Clerk & Recorder – Grant Request – eRecording – Mildred Alsdorf – discussion on a letter regarding updating to the e-recording system***

Mildred presented the letter for the BOCC approval from e-Recording. This is money the County has taken in - $1.00 surcharge they get to keep. Update the offices. Hopefully she $37,000 and $45,000 $1300 a month.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to support the grant application for the Clerk and Recorder.

In favor: Houpt – aye Martin – aye McCown - aye

- ***Human Services – Funding matter for out-of-home placement – Department of Human Services – Lynn Renick***

Action by the Board approving out of home placement for a confidential item, identification number G108965 Hand up Homes in the not to exceed amount of $49,017.50

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the out of home placement in the amount of $49,017.50.

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

- ***Code Enforcement for Bair Ranch***

Mark explained this process and Don asked the Board to give authority to the County Attorney office to proceed with either injunctive or criminal enforcement on Bair Ranch for violation of the County zoning regulations.

Commissioner McCown so moved; Commissioner Houpt seconded.

In favor: 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. Building and Planning – authorize the Chairman to sign a SUP for Phase 3 of the Williams Production RMT Co. – Parachute Creek Gas Plant – Richard Wheeler
f. Building and Planning – Monument Ridge Subdivision - authorize the Chairman to sign the mylar of the Amended Plat– Richard Wheeler
g. Building and Planning – Monument Ridge Subdivision - authorize the Chairman to sign an Amendment to the Subdivision Improvements agreement Applicant: Monument Ridge, LLC – Fred Jarman
h. Building and Planning - Falmouth, Inc. – Authorize the Chairman to sign the Resolution and Floodplain SUP for tract A of the Elder Subdivision. Fred Jarman
i. Building and Planning – Berger, Donald and Janice – Authorize the Chairman to sign the Resolution for a Floodplain SUP for a bridge crossing of Four Mile Creek at 4451 CR 117 – Fred Jarman
j. Building and Planning – High Lonesome Lodge – Authorize the Chairman to sign the Resolution of Approval and Special Use Permit for a Resort for #10 Enterprises, LLC. – Mark Bean

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent agenda Items a – b and omit
In favor: Houpt – aye Martin – aye McCown – aye
Interfund – c has a change and remove b
Change the date on item c from March 6 and should have been March 13, 2006. Board approved.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve item c.
In favor: Houpt – aye Martin – aye McCown – aye

REGULAR AGENDA
PUBLIC HEARINGS: ABATEMENTS
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.

Shannon – after the tax notices go out we have another protest

- The Body Barn – Schedule P006498

It has been determined that the leasehold improvements listed on the 2005 personal property declaration are considered real property. Therefore, a portion of the 2005 taxes needs to be abated. The amount is $1,622.39.

- Timberline Sporting Goods, LLC – Schedule No. P006929

It has been determined that the valuation on this personal property was too high due to a clerical error. The Assessor's office applied a BIA valuation to the above referenced schedule using the sales price of the property. This sales price included mostly inventory that is not to be valued as personal property. Therefore a portion of the 2005 taxes needs to be abated. The amount is $2,147.97.

- Town of New Castle – Schedule No. R042690

This property was dedicated to the Town of New Castle in 2005 and therefore, is tax exempt. All taxes need to be abated for 2005. The amount is $1,039.96.

- Rene Tomare – Schedule No. R 311844

This property was not protested but after the owner received the tax bill, the owner brought it to the attention of the Assessor's Office. The land value was high due to an incorrect adjustment made in the 2005 re-appraisal. The building had some physical depreciation that this office was not aware of. The corrections made indicate a value of $440,000 for 2005 and 2006. The change in value will require an abatement of 2005 taxes. The amount is $1652.39

- Darwin V. Raymond – Schedule R320104

After reviewing the income information for office buildings on Grand Avenue and analyzing sales of office buildings within Glenwood Springs, it has been determined that the above referenced property was overvalued for the year 2005. Therefore, a portion of the property taxes needs to be abated. The amount is $1,723.82.

- Holt Family Funeral Home Partnership – Schedule No. R312283

This property was not protested in 2005 and in January of 2006, Mr. Holt presented John Zimmerman the Commercial Appraiser with further information regarding the property. John determined that there is functional obsolescence related to the design of the property that negatively affects the value. He also determined that there is external obsolescence related to the location of the property that negatively affects the value. Due to the decrease in value, an abatement of 2005 taxes is in order. This amount is $4,691.51.

- Thomas and Elizabeth Lippitt – Schedule No. R009809

This property had a foundation and underground plumbing as of January 1, 2005. Therefore, the valuation should be based on the residential rate, thereby reducing the amount of taxes. The amount is $1375.70.

- B.T.E. Concrete Formwork LLC – Schedule No. R440006

This property was valued incorrectly for the year 2005. After reviewing market sales and income information, it has been determined that the land valuation should be lowered from $702,790 to $375,000. The amount to be abated is $4785.32.

- Joan L. Savage & Anderson, George M. Revocable Trust – Schedule No. 041948

This parcel was created in 2005 in error. Our maps indicated no ownership number for the above legal description. A title search was completed and determined that we needed to add this legal description to the 2005 tax roll; however, this legal description was also included in Account R290461. Therefore, all taxes on the above account need to be abated as this is a double assessment. The amount is $1146.46.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatements as follows: The Body Barn – Schedule P006498 in the amount of $1,622.39; Timberline Sporting

Goods, LLC – Schedule No. P006929 in the amount of $2,147.97; Town of New Castle – Schedule No. R042690 in the amount of $1,039.96;
Rene Tomare – Schedule No. R 311844 in the amount of $1652.39; Darwin V. Raymond – Schedule R320104 in the amount of $1,723.82; Holt Family Funeral Home Partnership – Schedule No. R312283 in the amount of $4,691.51; Thomas and Elizabeth Lippitt – Schedule No.R009809 in the amount of $1375.70; B.T.E. Concrete Formwork LLC – Schedule No. R440006 in the amount of $4785.32; and Joan L. Savage & Anderson, George M. Revocable Trust – Schedule No. 041948 in the amount of $1146.46 and the Chair be authorized to sign.
In favor: Houpt – aye Martin – aye McCown - aye

PUBLIC MEETINGS:

HUMAN SERVICES COMMISSION – REQUEST APPROVAL FOR TWO NEW MEMBERS

Sean Jeung to represent Valley View Hospital and Denise Wilson representing Head Start submitted applications for the Human Services Commission.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to
In favor: Houpt – aye Martin – aye McCown - aye

ENCANA – APPLICATION TO LIFT MORATORIUM IN DIVIDE CREEK – JOEL FOX AND CHRIS WILLIAMS

Joel Fox Team Lead, John Maron and Chris Williams Environmental Technologist submitted a power point showing the progress in the Divide Creek Gas seep area - Peppi Langegger's property. 887 samples were collected from 76 domestic/irrigation water wells; 86 samples were collected from 11 ponds; 94 samples collected from 12 springs; 34 samples collected from 8 streams/creeks excluding West Divide creek and sampling from most of these resources continue on a monthly basis. The analytical results of samples collected from various water resources show that there have been no human health impacts from the seep. No water wells, creeks, springs, or ponds outside of the discharge area were impacted by the seep. No BTEX constituents have been detected in West Divide Creek since April 2005. There have been no impacts to aquatic life from the seep. Stream bubble intensity, vigorousness and length of affected area reach continue to decrease. Weekly sampling has been conducted since October 2004 and it continues. All monitoring wells show a decline in benzene concentrations compared to initial concentrations, except MW-2 and MW-4. Benzene concentrations in these two monitoring wells continue to fluctuate between 200 and 300 ug/l. Passive Air Sparge Convection System has been operating since summer 2005. Remediation system has effectively stopped migration of the plume.
There is no migration on the plume and they will continue to monitor until they meet standards.
What caused the Seep and what they believe caused it.
Joel Fox explained why the seep occurred. He pointed out that its where there is a hydrocarbon trap and it outcrops to the surface. One of the largest seeps in here in Garfield County with the Glenwood Springs coal seam and the Coal Seam Fire was the result of the same type of interaction.
In the area of the Schwartz Well, the offending well No. 2-15B in Divide Creek is what allowed the seep and he explained it in an artist diagram showing how it was a fault connected to the surface. The gas drilling entered the fault and created the seep. During the drilling they encountered the fault and thus the seep. After the cement was set up it failed and lost the hydrostatic head and gas got into the fault system and on up to Divide Creek. The Divide Creek seep and the fault network were formed less than 20 million years ago. EnCana believes that the Swartz well bore intercepted that fault somewhere in the lower Wasash or the upper Williams Fork formation. The cement job failed somewhere between zero and four hours after placement.
If the moratorium is relieved next week, they are proposing in 2006 two new well pads inside the radius which encompass 18 new wells. One pad closest to the seep will have 6 wells and the other new pad is near the radius of the moratorium in Section 34 which would be 8 wells and then 4 wells on the western side of the moratorium.
John Maron – Cementing Practices Review – John gave a presentation on events before and after the seep. He explained there are new operating rules by the COGCC. He also provided the Commissioners with a historical review of EnCana took who took operations in February 2001. They have drilled 443 wells prior to the seep. The Swartz well was drilled in February 04. In July 04, the COGCC came out with additional cementing practices and 217 wells have been drilled using that procedure.
Hydrostatic Pressure and Cement Properties were explained. During the 4 hour period the crack occurred in the cement and thus the seep.
There are warning signs such as when the braiden head pressure drops is can be in indicated that something is wrong with the cement. Now they have different procedures.
Well Bore Diagram – shown on a slide Swartz well was drilled to 6200 feet.
Minimal requirements are required in the cementing height requirement which is 500 above the gas line and the cement bond log within 48 hours of the job. Monitor annular fluid level report at least 4 hours; Braden head pressure – regular intervals of 6, 12, 24 72 hours. 150 psi and if above a mediation method has to be started.
Ilustrations were shown.
Specific steps they do are:
A different cement blend is used – faster set time & monitor the cement for 4 hours, Casing slips are set and Braden head pressure monitoring begins. Drilling rig remains over the well for 18 – 24 hours. The cement bond and temperature log is run; the BOPPE is then removed and the well cap installed. Rig removed; if problems with cement placement – remedial; if problems deemed severe, remedial.
7 wells have been reported to OGCC that did not initially meet the new requirements.
2 of 217 wells required follow up remedial cementing operations.
Braden head Pressure Monitoring – slide was shown; SCADA Example slide – 95% of their wells have the SCADA (1150 wells)
They have an automatic alarm system installed.
This will go before the COGCC next week.

The Commissioners had a number of questions and the discussion continued referencing the slides previously shown, how the monitoring takes place, the 2006 drilling project in the area, how the driller keep record of the pressure and what mediation would take place if they loss the pressure.
Joel – you know you have a bottom head pressure and if it did reach this you would see it several miles away. The jobs are monitored by professionals and the well would be shut down. You can go in and cement that off.
This same presentation will be given again next week.

TREASURER AND PUBLIC TRUSTEE – SEMI-ANNUAL REPORT – GEORGIA CHAMBERLAIN
Georgia submitted an impressive report showing the annual report for the second half of 2005. The report included property tax collection, treasurer's fee collection report, school acquisition fees, sales tax reports and public trustee's report.
This reports the fun balances as of 12-31-2005 and it is to be published in the local newspaper.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to direct the Treasurer to publish the report.
In favor: Houpt – aye Martin – aye McCown – aye
Tax Collection by Authority – 100% by each, some are over 100%.
Georgia explained it is the way it includes the interest on different authorities.
Georgia explained the way the DDA tax is collected. She stated they have asked to have them correct this but to date it has not been done.
The DDA is reported in TG5 – Glenwood $356,168.
She explained the fees collected and the interest on investments. Property tax fees and others are $1,931,731.00.
School Acquisition fees – the Board is required to notify the amounts being held. The BOCC does let them know. We do this annually. The BOCC sets down the guidelines on how the schools request the funds. RE-1 has $140,105.36 and RE-2 1,318.62.
Sales Tax was explained, the amount of $8,460,000 was collected and how it is distributed
1996 forward and in 2005 - 2.83% increase is shown – divided between the Library and the other ¾ cent.
The growth pattern shows from $957,575.75 in 1997 to $8,460,856.90 in 2005.

Public Trustee – 121 foreclosures last year and it is half of what it was in 1985 with 244.
High year on releases was 2003. The majority of those are shipped down to Rifle and Shirley handles them.

BUREAU OF LAND MANAGEMENT – ENERGY PLANNING
Kent Walter, Field Manager with White River out of the Meeker office presented. He had given a presentation at the Northwest Resource Advisory Council (RAC) and was invited to come and speak to the Board of County Commissioners.
Energy and Energy Development – Oil and Gas and Oil Shale
Oil and Gas
Energy Development/Energy Policy – Kent explained that they identified the Piceance Basin as rich in resources and explained the technology improvements have made it feasible to obtain those. Industry is learning how to get it out of the ground and the intake ability with pipelines. EnCana approved Meeker's Gas plants and it will be one of the largest in North America. The idea is that a lot of gas will be coming up from Mamm Creek. Hwy 13 and the Town of Meeker were identified on the map.
Our resource management plan on how to manage was approved in 1997. In that plan what was looked at over a 20 year period was 1100 gas wells being drilled over 20 years. 10 acres of disturbance for each well. Map representing oil and gas wells – historical Rangley is the largest producing oil field in the State of Colorado. Industry establishes units and these units south of Rangley are either approved or being approved. Energy has been focusing exploration in the Piceance Basin. 2008 – 300 to 500 APD's per year in the Meeker area. That number would exceed the 1100 anticipated. Sit down meetings have been on-going and a resource plan needs to be looked at - 10,000 to 15,000 wells. The gas companies are willing to do this and the impacts will be addressed. All the BLM land is available for leasing except those lands associated with the wilderness study areas and there are six and encompass about 88,000 acres and our field office boundary takes in about 1.5 million acres. Within the month we should have a memorandum of understanding with industry to jointly fund an EIS through the entire field office to amend our resource management plan to take a look at additional oil and gas development through the White River field office and this is primary going to be gas development. Jointly fund – we have 8 – 9 companies that have stated they will help contribute to the funding of a 3rd party contractor that we'll work with to do an EIS and look at increased gas development. They have gone out to industry and asked what your reasonable foreseeable development will be for the next 20 years. Where, how much, when and provide that information back to us by the 1st of April.
Chairman Martin – asked if they would open the door to cooperating status with the Counties.
Kent agreed and once the MOU is signed with industry then we'll put a notice of intent out to amend the plan and with that we'll formally go out and seek cooperative agency status from the various counties. This is coming. Depending on interest of the municipalities they could be included. They have partnered with the Glenwood office and industry out of their office to see what their development looks like in order to have a regional air model and they are doing the same out of the Little Snake Office and the Vernal office just completed their EIS. The Southern border represents Hwy 139 going down Douglas Pass to Fruita, the Roan Plateau and the Divide Creek Road, Parachute, above Mac etc. all in Garfield County – this won't affect the Roan Plateau plan – it is a separate document – a stand alone plan.
This is not a crisis, it's being pro-active and industry is stepping up and saying we'll like to see this opportunity and understand you need to do some additional analysis of our activity.
Oil Shale Research & Development

Kent – the Energy Act passed in August 2005 urged them to look at developing our oil shale and tar sands resources. Throughout the nation we went out for nominations and moved forward with 8 nominations and 2 are in Utah and six out of the White River field office located in Rio Blanco. 6 applications are tied to four companies – Shell, Frontier, Chevron EGL and Exxon Mobile, three of those R & D went to Shell and one went to the other tree companies1-31-00 – 3 went to Shell and one to another company. NEPA (National Environmental Policy Act) review for those 6 applications and we'll do 4 separate EA for each of the companies and you'll see a news release this week that formally kicks off that NEPA review. These will be held from 4 – 7 pm and on each hour they will bring people up to speak on the NEPA process and how this will work.

They will have Open Houses to inform the public with all four companies – one in Rangley, one in Meeker, and the first week in April, in Rifle and one in Grand Junction. April 4 will be the meeting in Rifle and what these will be is to alert the public to what industry is proposing out here.
Things are beginning and will be moving very quickly. This will be handled out of the Meeker office. Industry is involved in the Management Plan. The jobs will be simultaneously assigned out but nothing will be short changed.

CITIZENS APPEARING NOT ON THE AGENDA

Rebecca Stirling appeared before the Board to request assistance on a road designation on County Road 162A. This is located at then end of County Road 162 and there is no road sign up for 162A. Is it possible to have some sign indicating this is a road and secondly can Road 162 add a name such as the Stirling Ranch Road?
The Commissioners said it was possible and she should contact Ron Van Meter, Code Enforcement Officer at the Building & Planning Department 945-8212 Ext. 1570 as well as Bobby Branham of the Road and Bridge and Bobby's number is 948-4683.

PUBLIC MEETINGS;

BUILDING AND PLANNING: ARNOLD, RICHARD AND KATHRYN - CONSIDER A REQUEST TO AMEND THE FINAL PLAT FOR ASPEN GLEN LOT E34 – RICHARD WHEELER

Richard Wheeler, Jan Shute and Josh Smith representing Richard and Kathryn Arnold and were present.
Richard explained that this was a request to amend the final plat at 54 Diamond A. Ranch Road
Lot E-34 Aspen Glen on a.538 Acre lot.

BACKGROUND AND DESCRPTION OF THE PROPOSAL

The first Amended Final Plat of Aspen Glen PUD Lot E34 was recorded on December 10, 1998, reception number 536997. John Muir Architects, representing Richard and Kathryn Arnold is requesting the second amendment to increase to the overall building envelope on lot E34.The proposed modification of the building envelope is as follows:

1. Front yard setback from 40'6" to 31'6"
2. Northeast side yard setback rotated +/- 6 degrees from 123' to 120'
3. Rear and other side yard is unchanged

The proposed setbacks are in conformance to the underlying zone setbacks as set forth in the Aspen Glen PUD (Resolution 92-056).
The Aspen Glen Design Review Committee (DRC) has reviewed the proposed building envelope change. The DRC has stated the proposed changes is 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 Aspen Glen PUD 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 plat amendment with the conditions of staff as recommended.
In favor: Houpt – aye Martin – aye McCown - aye

PUBLIC HEARINGS:

BUILDING AND PLANNING: BONES, LARRY AND ROBIN – CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR A BUILDING ENVELOPE AND UTILITIES IN THE FLOODPLAIN – RICHARD WHEELER

Richard Wheeler, Jan Shute, Michael Gamba, Ed Godeski, and Brent Kelley 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:

A Mail Receipts
B Proof of Publication
C Garfield County Zoning Resolution of 1978, as amended
D Staff Report dated March 13, 2006
E Letter dated February 28, 2006 from Resource Engineering Inc.

F Application for the Special Use Permit

G Power Point Presentation

Chairman Martin entered Exhibits A – G into the record.

This is a Floodplain and Floodway Special Use Permit to A Home and Barn in the Floodplain and relocated utilities in the Floodway for Larry and Robin Bones Lot 21 of Teller Springs Subdivision on 10 acres.

GENERAL PROJECT INFORMATION

This request is for a special use permit to allow a building envelope and utilities in the Floodplain. The proposed building envelope is in the Flood fringe. The proposed relocation of the utilities is in the Floodway. At this time there are no structures on the site. The land is currently under contract. The prospective buyer does not know the exact location of the proposed structures. In the absence of exact structure locations, it was agreed that a proposed envelope would be appropriate in this case. Currently the proposal is for a home and a barn in the envelope. If in the future an ADU is proposed, it will have to be in the envelope or out of the Floodplain and approved as a separate special use permit. There is currently a utility easement on the property that will encroach on the building envelope. There are provisions that allow the owner of the property to relocate the easement. The proposed relocation will put a portion of the utilities in the Floodway.

STAFF COMMENTS: A portion of the utilities are proposed to be relocated into the Floodway. Staff is interpreting utilities in the floodway to be similar to a pipeline. Additionally, the applicant has stated that the utility trench will not result in an increase in flood levels during the occurrence of the base flood discharge. All utilities shall be constructed to meet all applicable performance standards as set for in *§6.09.02(3).*

STAFF COMMENTS: As proposed, a residence and barn are permitted uses in the ARRD and therefore are permitted in the Flood fringe. Any further conditional or special uses shall be reviewed under separate permit by Garfield County with respect to all zoning regulations.

STAFF COMMENTS: The Applicant shall be aware of all performance standards and meet all applicable requirements.

STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners approve the Special Use Permit for a building envelope and utilities in the Floodplain 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 degree of flood protection required and intended to be provided by this permit is considered reasonable for the protection of life and property and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes. This permit does not imply that areas outside the designated floodplains or land use permitted within such floodplains will be free from flooding or flood damages. This permit shall not create liability on the part of the County or any officer or employee thereof for any flood damages that result from reliance on this Regulation or any administrative decision lawfully made thereunder.
3. Sheet No. 1 titled, "Lot 21 Teller Springs Ranch Site Map" dated November 11, 2005 and prepared by Gamba & Associates, Inc. is incorporated into the Floodplain Special Use Permit for reference to the acceptable "building envelope" within the flood fringe and the allowable minimum finished floor elevations consistent with the FEMA mapping including the June 8, 1994 LOMR.
4. The Owner/Applicant shall demonstrate to Garfield County Building and Planning Department as part of the building permit process that the lowest finished floor elevation shall be constructed at one foot above the floodplain elevation. No building permit shall be issued until this condition is met.
5. Prior to the issuance of a Certificate of Occupancy (CO) for each structure subject to the Garfield County Floodplain Regulations, the Applicant shall provide the Garfield County Building and Planning Department with an official survey indicating that the lowest finished floor elevation for all structures is constructed at one foot above the floodplain elevation. This survey shall be completed by a licensed surveyor who shall sign and stamp the survey submitted to this Department. It is noted that the survey must be on the same datum as the floodplain study.
6. Any work or placement of materials relative to the relocation of the utilities shall not be done during the high water time of the year.
7. The finished utility trench shall result in an increase of (0.00") in flood levels during the occurrence of the base flood discharge.
8. If applicable, all grading permits shall be issued prior to any disturbance of soil.

Applicant:

Michael Gamba gave the specifications of the elevation of the river 5,970 feet above sea level and the ground within the building envelope ranges from the low of 5,943 feet which is 7 – to 9 feet above the water surface on September 9, 2005 when they surveyed it.

Phillip Robbins – owner of the Parcel C stated this was originally a part of the Rose Ranch – 3 acres and these are the properties between the Bones.

Michael Gamba no questions or input.

Phillip Robbins – Parcel C, just north of their property. He wanted to go on record and his concern is the obstruction of his view plain of Mt. Sopris. When he built he had to do a floating foundation and he has had his home for 8 years. They are the next property north and would like them to be considerate of his view. The Bones are selling this. They are just trying to get approval.

Eric Strautman – spoke in favor of the Board granting the SUP. He added that this is in keeping with the others and his friend is purchasing this property so this is Glenwood's own and asked for favorable consideration for these folks to the community.

Bob Jacobson – lives in Blue Lake – the agent representing the Bones in the sale of the property and wanted to see if Mr. Robbins had a problem with the view corridor. He wanted to point out that Mr. Robbins that's at the north end and the little piece of property that we're talking about that was carved out of this parcel a number of years ago, both properties in a straight line there have houses down closer to the river than what the Bones and the purchaser are proposing here. They're not asking anything out of the ordinary in that neighborhood. Also, there's 11 acres but there is a lot of this that is not suitable for a building site, it was designed more as horse property, very narrow with steep upgrades and issues that would create building in all but one area on this property.

Phillip Robbins – according to the realtor he sound like he knows where he wants to build and asked if Mr. Jacobson could show on the property where he's proposing to build.

Commissioner McCown – Point of order, today we are discussing a floodplain issue, not a building permit or building envelope issue that will be determined at a later date so it is inappropriate to discuss it at this time and may cloud the issues of the floodplain issue.

Chairman Martin – it's the use of the floodplain that we're looking at now and there's another hearing after this one to establish what your concern is.

Michael Erion agreed and stated at this time the potential buyer does not have a house plan, land design, site plan or no idea where within the building envelope they want to build. He felt they would take Mr. Robbins concerns very seriously and work with him to make sure there was no impact to his view.

Richard stated for the record that there is a very specific performance standards that would have to be met prior to issuance of any type of permits in this area as far as floatation and engineering and the conditions that have been put into the staff recommendations of approval. Those performance standards are in Section 6-09 Special Uses and standards for construction and are laid out in the staff report specifically. This would be reviewed through a building permit.

Commissioner McCown - specifics on the type of waste water system that would be used, is it going to be an engineered ISDS or pumped – both are options.

Richard – at this point they both are options and why we felt that an Accessory Dwelling Unit– ADU, Special Use Permit is premature. They have the best of both worlds in that they will still have to get a septic or a forced main and that determination would need to be made before coming in for a Special Use Permit on an ADU and prior to a building permit.

Commissioner McCown – may have spoken too soon, if we approve this action today I don't know that there would be any other venue for Mr. Robbins to voice his concerns on the placement of the house.

Richard – that's correct besides looking at the building footprint and we don't have a noticing procedure for that and would have to develop a relationship with the possible property owner to see what their timing in and come into our office and look at the plans. Originally this was a concern to the building department as well since there is a potential buyer but no definite plans of where they would build the house. We were comfortable enough in the uses by right in this zone district somewhere in their building envelope to go forward and the requirements for a ADU are more specific talking about appropriate screening and appropriate separation and different issues that would need to have specific building footprints and that's why we only went forward with what you see today.

Commissioner Houpt – could we put a condition in that would protect the view shed?

Richard – the view shed was not talked about at all.

Michael Gamba – I do believe that the applicant will work with the neighbors and he is also High School classmate of the future buyer and believe he would be willing to work with Mr. Robbins on the placement of his house.

Mr. Godeski – believes his client would be obligated to discuss this matter with Mr. Robbins. Confident that he would be willing to discuss this with Mr. Robbins.

Richard – looking specifically at the section of the land use code for uses in the floodplain and we administer those in a somewhat consistent manner, there's no language that takes about view sheds the applicant could in theory decide to build up and out of the floodplain and the Building and Planning wouldn't be here at all and there would be no purview whatsoever. I'm not comfortable with the view shed and working with the applicant trying to be consistent with the requirements that need to be met for building in the floodplain, flood fringe and floodway specifically. Other than meeting all the building requirements that we have.

Commissioner McCown – and they utility location – that to me is the key that triggered this today.

Richard – we tried to put some specific conditions of approval as far as work and placement of materials in the floodway a well as the finished trench, Conditions 6 & 7 regarding the waste water.

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 that we approve the SUP for a building envelope and utilities in the floodplain and relocated utilities in the floodway with the 8 conditions as recommended by staff and in the comment that I hope the testimony given here today and the representations made by the applicant you will follow through on and working with your neighbor and starting off as a new neighbor on the right foot so we don't have any controversary.

Commissioner Houpt was going to say the same thing that Larry did, that the representation today indicates that there will be that dialogue and they'll be working with their neighbors.

Chairman Martin – we've taken it as far as we can, acting on good faith as well.

In favor: Houpt – aye Martin – aye McCown - aye

Executive Session - Continued

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:

Williams Energy – Litigation Matters

Don DeFord - Request on an application filed by Williams Energy set on a hearing set for April before the OGCC for increased well spacing between Rulison to Rifle on both sides of the river. It is for increased downhole of 10 acres and increased surface spacing not to be less than 40-acre spacing unless approved by the direction and requested authority to intervene to ensure that if it less than 40 acre spacing they either conduct a public forum or agree that the Board of County Commissioners would have the ability to review the less than 40-acre surface sites and review their operating plan.

So moved by Commissioner Houpt; seconded by Commissioner McCown. In favor: Houpt – aye; McCown – aye; Martin – aye.

Authorization of $10,000 to URS

Commissioner McCown made a motion that we authorize $10,000 to URS.

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

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

MARCH 16, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 6:30 P.M. on Thursday, March 16, 2006 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 6:30 P.M.

PHASE I HYDROGEOLOGIC CHARACTERIZATION of the Mamm Creek Field Area in Garfield County

The Board of County Commissioners met at the Rifle Events Center at the Fairgrounds for the results of a study done by Mark Levinson of URS, on Phase I of the Hydrogeological Characterization Study on gas and water wells in the Hunter Mesa, Divide creek Area. It was a very informative Power Point presentation and there were several members of the public present. The meeting adjourned.

Executive Session

Don DeFord, County Attorney, requested the Board go into an executive Session to discuss litigation with the OGCC and a contract.

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

Commissioners McCown moved to come out of Executive Session. Commissioner Houpt seconded. Motion carried. No decisions were made.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

MARCH 20, 2006
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 20, 2006 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

Deb Stewart – Introduced the new director of Senior Programs, Glenn Stevenson, a Colorado native who graduated from the University of Wyoming and has worked in senior services for the past three years. She is excited to continue the good work that Deb has done.

Chairman Martin invited Glenn to bring forth any concern or problem she may have to the Board. Therefore, we can continue the good communication we have with the program. CMC is giving Deb a party on Friday from 4 pm to 7 p.m.

COUNTY MANAGER UPDATE – ED GREEN

- ***6-Year Anniversary for Jesse Smith***

Ed recognized his good work over the years. Jesse has been employed for 6 years.

Letter of Support – upcoming grant cycle – acquiring RMS Communication System and need this for the April cycle. Carl

Commissioner McCown stated that he supports this and in the past they have received severance tax grants – this is a new cad system and they are looking at the New World System. See where it goes. As a user Garco is involved with the Sheriff. They have seed money for a DOLA grant.

Commissioner McCown made a motion that we authorize the Chair to sign the letter. Commissioner Houpt – seconded.

Discussion: There are four bills in the legislature that are trying to take the DOLA Grant away again.

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

National Command training for those participating in MAC – Jim Sears suggested doing this as part of the next elected staff meeting. Ed asked if the Board is receptive to this; it will be May 2, 2006 – 8 a.m. – 12:00 noon in the Commissioners Room.

Preliminary Audit Finding – all appears to be excellent. The auditors found no glitches and no areas of concerns. The letter will contain suggestions and be out in April.

Don stated that he and Jesse will be involved at 8:30 a.m. with an Oil and Gas Commission meeting to discuss the developments late last week, as well as the EnCana and Moratorium Issues.

Commissioner Houpt stated that EnCana was calling people and they are going to continue the hearing for at least one month.

Don will be requesting a delay on the Board's behalf.

Also, Mark Levinson, Hydrological Study, OGCC, EnCana – the AOC has been stipulated and we will be requesting fine money within he next 30 days.

Jesse Smith – acting oil and gas liaison stated that he had missed the deadline for comments on the BLM area development in Battlement Mesa and Rulison, however he contacted BLM and they agreed to let us submit our comments but needs them ASAP.

Commissioner Houpt made a motion that we move forward with sending comments to BLM on this.

Commissioner McCown – seconded for discussion.

Discussion

Don said these are unique in that the area plans that BLM is doing requires letting us know what the gas company is going to do in the future. This is different application. Don needs to file pleadings and was given direction on Thursday.

Jesse laid this out and would like this included in Executive Session for clear direction on what BLM is asking.

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

- ***Road and Bridge – CR 125 and CR 117 Road Construction Project – Discussion – Marvin Stephens, Bobby Branham, Jeff Nelson and Yancy Nichol of Sopris Engineering***

Carolyn Dahlgren along with David McConnahey is working out the gas, telephone and sewer permits for the road improvements on CR 117 and CR 125. Carolyn the clear agreement will be before the Board on CR 127.

Yancy Nichol stated what was being proposed. A Tarco representative was present The plan is to trench through the existing chip seal to lessen the impact to the community; one a mile down the road, a second crew, pulverize the road and grade it and continue the process. Not have a lot of road torn up. Related to schedule and will have weekly meetings to see how this is working.

Commissioner Houpt said that the residences will be extremely critical because of the issues last year.

Yancy assured the Board there would be an evaluation of the impacts on a weekly basis.

- ***Airport – Concrete repair and preservation at the Garfield County Regional Airport – Brian Condie***

Brian Condie, Tim Arnett and Carolyn Dahlgren were present.

An award to Golden Floor Preparation, Inc. out of Golden was presented for $23,889.00 to repair approximately 7,780 sq. ft of concrete in the fuel farm area.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to 9-52-00 award the contract to Golden Floor Preparation, Inc. for a not to exceed amount of $23,889.00.

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

- ***Airport – Principal Consultant – Brian Condie***

Tim Arnett and Brian Condie were present.

Garfield County is soliciting statements of qualifications and experience to be used in selecting a Principal Consultant to provide consulting and engineering services for water and sanitary sewer master planning, stormwater permitting, and air quality permitting at the Garfield County Regional Airport.

Dale Hancock, Brian Condie and Jeff Nelson were on the evaluation team and the recommendation to the Board is to award the services to Olsson Associates in the amount of $25,000.

Carolyn will draw up a contract.

Brian stated this was not in the original scope of work, this was triggered by us selling more than a million gallons of jet fuel at the Airport where we might have to go to an industrial permit instead of a light industrial and

therefore we have to put this out to bid because it is over a $10,000 contract. Anyone was able to bid on this project.

Commissioner McCown – this will be for the sole purpose of designing water and sanitary sewer which is with the City of Rifle, storm water permitting and air quality permit.

Brian agreed.

Commissioner McCown – it is specific in its context on what this is for.

Brian – this was never covered in any scope of work.

Carolyn asked if Olsson was planning to contract with Peter or with be directly with Olsson.

Brain - the team from Olsson that came out and did the initial field work didn't have Peter there are all.

Carolyn – it's important in terms of whether the contract allows for subcontracting and the other piece of this is a set fee for two things. You're going to do two things and its going to cost $25,000 no more or less and how are we paying, on a calendar schedule or when a piece of work is delivered.

Ed said you don't negotiate a price during the selection process and that's the next thing they have to do. It will require a motion because you have to agree with the selection, so they can proceed with negotiations.

Brian said Olsson is going to do the work. This isn't Peter's expertise, he's an airport planning and not involved with water.

Commissioner McCown made a motion that we approve the RFQ for Olsson and Associates. Commissioner Houpt seconded.

Chairman Martin – understand that we have agreed with the selection committee and they've taken the recommendation of Olsson Associates as the consultant to work with.

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

- ***Airport – PRT Consulting, Inc. T-Hanger paving and pavement, fog seal and marking for the Airport – Brian Condie and T-Hanger Project - RFT No. 12-06***

Brian submitted a two part bid for land improvements at the Garfield County Airport – Fog Seal Taxiway and Ramp Parking Lot Seal and then the T-Hangar Paving Projects.

Fog Seal

Two bids were received for the Fog Seal to seal all the asphalt at the Airport and Maxwell Asphalt was the low bidder.

Tim clarified that this was for $150,756.58.

Brian Condie submitted the recommended action from the Board, to Maxwell Asphalt for $150,756.58 Schedules 2A, 2B, and 2C.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award fog seal to Maxwell Asphalt for Schedules 2A, 2B, and 2C in an amount not to exceed $150,756.58.

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

PRT Consulting, Inc. T-Hanger paving and pavement

Brian stated this is for the T-Hangar taxi lanes that we tried to put in last year so that John Savage and others could put up hangar space that will be available. This bid came in higher that anticipated and the question was asked do we have that much money in the budget. Patsy ran the numbers and we have sufficient money in our budget to cover both projects even though they are higher than anticipated.

Tim said he was not surprised by the amount of the bid and expected to see this as a rule in all asphalt bids. This takes special gravel and some people couldn't even bid it.

Commissioner McCown – on past projects at the Airport the asphalt paving companies have had a very hard time and have lost considerable money trying to meet specifications and it's not an appealing job. They are not lined up to meet it due to the specifications and also with the increase in the asphalt oil itself has gone up almost 150% since last summer.

A memo was submitted from John Savage and a letter from Peter Muller regarding the T-Hanger paving and pavement, fog seal and marking for the Airport.

John Savage's memo indicated that paving costs are high but projections still work. It may take longer to sell out at the higher cost but long-term investment value is still there. He would like to move forward with the project but will wait for the Board to discuss it. Brian said his portion is 42% of the amount. We will contract with United and then John Savage will reimburse us.

Peter Muller explained in his letter than bids for the project were opened on March 8, 2006 and the County had to choose between a very expensive paving project or delaying the project to be bid for a third time along with other work – perhaps the runway reconstruction work to be done in 2008. Even then, there would be no certainty that lower prices can be obtained. The present situation is bothersome with regard to the cost of the runway realignment project.

Commissioner McCown made a motion to approve the Schedule 1A award to United Companies in an amount not to exceed $377,250.30. Commissioner Houpt seconded. In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Airport - Out of State Travel – Brain Condie and Michael Ballard***

Brian Condie submitted the travel requests to depart on 4-9-06 and return on 4-13-06 to attend the FAA annual conference with topics covering airspace, airport construction, environmental issues, AIP funding, and part 139 regulations to be held in Seattle. The total amount of travel being request is $1505 for Brian; and $1300 for Mike. The other is the 23rd through the 27th and that is in San Diego and that is the AAAE annual conference for $2175.00. Dale explained the travel requests. As we move Brian down the path of certification as Airport Executive through the AAAE, this year he takes the written examination, he's already received the CM Certification and if it all works out correctly, and then he does the written and oral at this process.

Mike's travel is timely as it deals with airport maintenance and accident prevention. This is in South Bend, Indiana for general aviation training purposes.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the out of state training for Brian Condie and Mike Ballard.

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

- ***Airport Land Leases, Tectonic, Inc.; Rifle Jet Center; DBS Helicopter; Oberholtzer Trust; Joel Sax – Brain Condie***

Brian presented the land lease proposals for Garfield County. Things are progressing at the Airport at a controlled pace and want to make sure we continue to do that. With the taxiway improvements they put requests for proposals for new hangars.

Tectonic Management Group Inc.

The proposal for Tectonic Management Group Inc. includes construction of a 140' x 120' x 33' hangar on parcel 11FL.

11FL is currently being leased by the Rifle Jet Center but it is too small for the Jet Center to put their large hangar in so they're amenable to a trade to turn that property over to Tectonic to build their hangar. The proposal for Joel Sax includes construction of a 7,000' building on 30,000 sq feet of land for a sort center for parcel post. DHL will use it for a sort center. He wants to place this building on parcel 12B which is the back line which is the backline and not flight line property which is acceptable for a sort center at an airport. This is right behind Rifle Jet Centers large hangar No. 3.

Rifle Jet Center

The proposal for Rifle Jet Center proposes to release 11FL and they would like to lease the property around the current FBO hangar 1FL which is flight line; in exchange for that their intend is to put up a new terminal building next year where Precision Aircraft Maintenance is where the County owned hangar is to remove that and put a new facility up. We've had discussions that we will have a common wall and put up an Airport Manager office in that same structure and in 33 years the entire building will revert back to the County so it would be nice to have the operations consolidated. If this is approved then all the buildings that have been here for awhile will be removed and an asphalt paving will go in for small aircraft. Now we have 23 small aircraft sitting on 47,000 pound ramp and they're under 12,000 pounds each so if we could relocate those down next to the general aviation area we can use the heavier ramp for the larger aircraft.

Carolyn asked if the Commissioners will lease back condominium airspace.

Ed stated we are going to buy a condominium basically inside the Jet Center's building.

Airport Manager's Office

Brian said they looked at several places for an Airport Manager's office and if the Jet Center is putting up a building here then we can put up a single structure next to it, have a common wall, we can do a condominium association type facility but they would like 1FL for a large box hangar to hold more aircraft.

BLM is currently next to us right now and they would like to go west of the self-fueler at the very end of a ramp and set up a single engine air tanker station and put up facilities for their crews so this summer they are grading that and putting up a facility and hopefully they will come to us with a proposal to put up a building. They are taking their plan back to Denver to get that approved. They like Garfield County as an operation base because they save 40 minutes one way to Grand Junction to refuel.

Chairman Martin – we continue to foster that idea that this is a very good location and that they need to remain here and make their presence known.

Brian said they also help us in our slow season for regular traffic.

The Terminal is planned for 2007. 1FL will be improved by the FBO. They will put the tie downs in until they are ready to build a large hangar which is after 2011. They have two major capital outlays coming up – a terminal building and then another large hangar.

Ed said they will credit us for having to move our little lot hangar.

Commissioner McCown – on 1FL when they improve that, if they have the footprint of their future structure it would certainly behoove us to improve everything around that to heavy iron standards even though you're going to be parking light aircraft there temporary till they build a structure.

Brian – we talked about short and long term and if you're putting n infrastructure in why not put it somewhere long term; these buildings are the last remaining buildings from the 1980's so when you come into the flight line if those are removed then the entire flight line now looks modern and up-to-date. The buildings are available for replacement at any time; they've had 20 years worth of life.

Commissioner McCown – what he's referring to is the asphalt standpoint, when we're requiring them to do it, let's see where their footprint's going to be and they get by with less asphalt by parking light planes temporarily but outside that footprint, require them to build it to the heavier standpoint so that it won't be torn up twice.

The proposal for DBS Helicopter is to extend leased property to the north to include existing helicopter pad.

BLM – it takes them 5 years to put a proposal through and in the interim they are talking about putting little trailers out there for their operation until they get a building.

DBS Helicopter

The ramp is completed and they want to protect their helicopter pad and would like to include that in their land lease and extend it out to the north.

Preferred Limousine

The proposal for Preferred Limousine is a 10-year land lease term for the Quansi Hut building south of the fuel farm. The structure is warranted for 15 years.

At the end of the 10 years Stacey is hopeful of putting a building in. Her location is south of the fuel farm.

Carolyn said one of the specific questions the Commissioners had is should this be a year to year lease or a much shorter term lease with the possibility of renewal just because of the Airport plans and how fast things are moving compared to how they had been in the past.

Stacey is aware if we need this land for development we can relocate that at our cost.

Commissioner McCown – at whoever wants that spot cost.

Condominium Cost

Ed estimated the cost to be around $300,000 with the credit for moving the hangar it's down to about $200,000. That's what we'll envisioning budgeting in 2007.

Oberholtzer Trust

Brian completed the inspection last Friday with Skip Hutton and they passed fully. He will give them a letter of compliance that they have met all the requirements of the Airport and the County. The right of way issues that were brought up, we have no access to the ramp from the east end of the Airport, the concrete that has been there has been used for the access for the last 18 years. Everyone has used it as a public right of way, so that was discussed and Brian's recommendation now that they are in compliance and the concrete is repaired that we take the portion of that away for a County Airport right of way to the ramp and to these two businesses and then the County would maintain that and remove it from the Oberholtzer leased land. That's in the best interest of the County to protect, otherwise we will have to put pavement in there and come up with another right of way. In our leases it's stated that the County will provide access to these businesses. The Oberholtzer Trust is okay with us accepting the maintenance of those from this day forward and taking the right of way. This cuts the space in half and they are also agreeable with that as well. We'll do a lease amendment.

Brian summarized his requests – Tectonics' approved to build on 11FL, Joel Sax be approved to build on 12B, the Jet Center to be allowed to exchange 11FL for 1 FL under these conditions, DBS Helicopter be allowed to extend their parcel to the north to include the helipad, Preferred Limousine be granted a 10-year land lease on their existing Quonset Hut and that we obtain the right of way from the Oberholtzer Trust and work that out with them.

Commissioner McCown – the only two I question and its strictly a design thing with me, is DBS and the BLM are both going to be requested to be out of what could eventually be developed as apron. Is that something that we're looking at long term being a problem?

Brian – in our 20-year plan that's addressed, this area where the BLM is for environmental control and that's where their retardant needs to go so that is a natural fit for them in that area. The ramp will never extend pass that area because we need that for litigation and control. The ramp will never extend further west than that. This is the low part of the Airport so now their retardant is going to run down our ramp and stain it; it will all stay at that end. DBS Helicopter, the chuck of land they are requesting is really not that big. He has instrument flight paths into that helipad which won't be affected by buildings to the north of him and we'll make sure that the Tectonics' building stays out of that flight path as well. While it makes affect things further to the east, it's not really a factor for development on that east end of the ramp. The ramp is done as far as going to the east.

Commissioner McCown – what you're saying is no matter what else happens at the Airport the ramp development is over.

Brain – for the commercial service area, correct.

Commissioner McCown – but we're continuing to build more hangars.

Brain – to the east we'll built taxi lanes to the runway and in our 20-year build out we didn't even touch half of the land we have available.

Carolyn asked Brian if we'll have to have an ALP update or amendment because of this public right of way, is it a money issue or does it just happen under our 5-year engineering contract.

Brian – no, the only thing on the ALP (Airport Layout Plan) would be 1FL would not be shown as a hangar instead of an office building and that will be updated with our regular airport upgrade that's coming up anyway. This doesn't require any amendment with Olsson or anything else. This is one thing that Olsson is not involved in.

Commissioner McCown – asked Carolyn in making a motion to accept these land lease proposal summaries that would be done pending your review assuming you haven't physically seen any of these leases, once all the reviews are done we'll get those back.

Carolyn – agreed and if we run into anything that's inconsistent with the discussion today, we'll bring it back to you for specific action.

A motion was made by Commissioner McCown that we accept the land lease proposals as presented by Brian Condie. Commissioner Houpt seconded.

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

Energy Impact Grant- 3County Issue – Division of Aeronautics

Chairman Martin brought this up last Thursday and we wanted to go together with a group effort with the mountain radar and money for a grant to get that off the ground on our part. We are number one priority on the mountain radar and think it would be in our best interest.

Dale Hancock added that the rest of the story is that he is going to talk with Tom Sullivan this afternoon to confirm the amount of money that the Steamboat ski area is putting into this, the Steamboat Resort Association is putting into this so that my next move then is to call Travis Faline and say we've got $250,000 now together and our intent was to go for $250 from the Energy Impact Fund, what's you're thoughts on this. It's a little more open ended now because the application process for that April cycle is so very close that it might be more than we could bite off to turn that representing 3 counties inside of a 7-day period of application basically. This will be put in Travis hands since the major funding entity to see what their thoughts are.

Chairman Martin – that's the Division of Aeronautics.

Dale said the entire deal is $6.8 million, our portion is $100,000 on the outside.

Chairman Martin – this is a tremendous step forward in the radar process throughout the State. It's a number one priority.

Brian said we're going in the right direction.

Commissioner McCown said that was the first time he'd heard our amount of commitment. It's a $6 million dollar project and our commitment is $100,000.

Commissioner Houpt agreed.

Dale said this is as solid a number as the FAA has made it right now.

Chairman Martin asked if there was a consensus to go forward with this.

Commissioner Houpt said Dale has outlined what he needs to do next and then we'll see what happens.

COUNTY ATTORNEY UPDATE – DON DEFORD –

Executive Session: Litigation Update; Legal Advice

Airport Issue for legal guidance; possible conflict of interest case in the child enforcement unit and Lynn and Jan are here for that and we do have legal advice regarding a possible lease violation out at the Airport.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into Executive Session and discuss the issues presented by the County Attorney; motion carried.

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

Action taken:

Secure an attorney for the Child Support worker in reference to a Conflict we have in our policies.

Carolyn said we are asking that we be allowed to contract out for what would be called a conflict attorney rather than prosecute this case within the County Attorney's office.

Commissioner McCown so moved. Commissioner Houpt seconded.

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

COMMISSIONER REPORT

Commissioner Houpt – last Thursday evening there was a presentation on the Hydrological Study and we continued to meet until a very late hour; CCI Legislative Steering Committee meetings all day on Friday.

Commissioner McCown – last Tuesday, met with the FairBoard again furthering the discussion of the on-going re-organization of the Fairboard and incorporating the livestock steering committee into that; I planned on going to the Oil and Gas hearing tomorrow but it doesn't look as if it is going on; Thursday is COM Board meeting at 1:00 p.m. at the Communication Center.

Chairman Martin – in attendance at the workshop in Rifle and that will be viewed and put on the local Glenwood Springs cable to make sure that this end of the valley gets the hydrologic study presentation as well. We also had the demonstration of the new election machines that were certified by the State of Colorado – Gigi Dennis, Secretary of State and have a positive response to those particular machines and thanks to Mildred for putting that in the newspapers and inviting the Commissioners. It was an eye-opener. Legislative session, had a briefing in reference to the Highway User Tax Fund that fund, according to all predictions going solvent about 2009, 2008 possibly which means 65cents per dollar that we're collecting on taxes that we're getting back will probably cease coming back. Ed said that's $2.9 million in our Road and Bridge budget.

Chairman Martin – and we need to make sure to follow up on that within this session to make sure if it's going to be there or not and make arrangements so we can find some source to replace $2.9 million dollars. We're looking at $450,000 to $800,000 going away possibly this year in reference to the users revenue off of the Forest Service which will affect Pilt which will drop the BLM Pilt payment down; Severance Tax is under attack by numerous bills in the Legislature because they feel that the oil and gas industry is making so much money that they need to divert it to everything from open space to CU legal research in their University.

Commissioner Houpt – so Larry the answer to your question is yes or maybe even sooner.

Chairman Martin – we're fighting for our very existence in reference to those areas and need to stay on top of it; you heard about the Social Services and the amnesty, the asylum being granted to those folks and costing the County dollars in their programs so we're working on bills to address those at federal and state levels.

Both Commissioners McCown and Houpt acknowledged previous appointment and didn't make it to Mildred's voting equipment demonstration.

Chairman Martin noted we had a sight impaired, a totally blind person and a hearing impaired person participate in the demonstration and it went very well.

CONSENT AGENDA

a) Approve Bills
b) Wire Transfers
c) Inter-fund Transfers
d) Changes to Prior Warrant Lists
e) Bones, Robin and Larry - Teller Springs - Resolution of approval for SUP to allow a building and utilities in the floodplain
f) Ironbridge PUD – Resolution of approval for the Preliminary Plan to allow Phase Two
g) Ironbridge Zone District Modification and Text Amendment – Resolution of Approval

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – g absent b and c. Motion carried.

REGULAR AGENDA - PUBLIC MEETINGS:

HUMAN SERVICES COMMISSION – APPOINTMENT OF ONE NEW MEMBER

The Human Services Commission presented a copy of the packet of information they use for new members. Darrell Green's letter of request for appointment was presented.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Darrell Green to the Human Services Commission representing the employment sector.

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

ASSESSOR – DISCUSSION OF CONTRACT WITH MARY ELLEN DENOMY – SHANNON HURST

Shannon Hurst, Mary Ellen Denomy and Sean McCourt were present.

Shannon Hurst submitted information to the Commissioners explaining that she and Sean McCourt met with Mary Ellen Denomy on Tuesday, March 7 concerning the oil and gas audit.

Shannon recommended that the Board approve the conditions as set forth in the statement by Mary Ellen Demony disclosing that she is providing accounting services, training, auditing and other oil and gas accounting services that

are part of the normal course of business for an independent certified public accountant working as an accredited petroleum accountant, a certified mineral manager and a certified fraud deterrence analyst.
Carolyn Dahlgren stated this is a Board of County Commissioner's issue.
Commissioner McCown – last part of No. 15, can the Board approve conflicts of interest.
Carolyn Dahlgren stated that Mary Ellen is before you and as long as the contractor can keep the parties separate it is up to the Board.
An Executive Session requested.
Commissioner Houpt moved to go into an Executive Session. Commissioner McCown seconded; motion carried.
Commisisoner McCown so moved to come out of Executive Session; Commissioner Houpt seconded; motion carried.

Action taken:

An acknowledgement of confidential information was made and there will be no bleed over of the information.
Mary Ellen agrees.
Shannon agrees that there are administration procedures especially on the issue of confidentiality and she and Sean agree that this will not be a conflict of interests.
Commissioner Houpt made a motion that we approve this statement from Mary Ellen Denomy pursuant to paragraph 15 of the contract notifying us of the possibility or potential of conflict. Commissioner McCown seconded.
In favor: Houpt – aye; Martin – aye; McCown – aye.

ADVOCATE SAFEHOUSE PROJECT – LETTER OF SUPPORT – JULIE OLSON

Julie Olson from Advocate Safehouse submitted a grant request for the Board to support requesting funds from the Division of Housing for the Emergency Shelter Grant for operational support to assist in the employment of the Safehouse Assistant and to assist with the maintenance utilities, fuel and insurance expenses of the project.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the support for the Emergency Shelter Grant and authorize the Chairman to sign. In favor: Houpt – aye; McCown – aye; Martin - aye

OLDCASTLE S.W. GROUP, INC. – REFERRAL OF A SPECIAL USE PERMIT FOR "EXTRACTION, MATERIAL HANDLING AND PROCESSING OF NATURAL RESOURCES FOR AN EXPANSION TO AN EXISTING GRAVEL PIT IN THE AL ZONE DISTRICT AND A FLOODPLAIN SPECIAL USE PERMIT FOR CUT AND FILL IN THE FLOODWAY

Fred Jarman, Jan Shute and applicant Bill Bailey were present.
Referral of a Special Use Permit for "Extraction, Material Handling and Processing of Natural Resource" for an expansion to an existing gravel pit in the AI zone district and a Floodplain Special Use Permit for cut and fill in the floodway

---

BACKGROUND
The Building and Planning Department received a Special Use Permit (SUP) application for "Extraction, Processing and Material Handling of Natural Resource" specifically intended for an expansion to the existing Chambers Gravel Pit in the AI zone district and a Floodplain Special Use Permit for cut and fill in the floodway regulated by FEMA. (The property is identified in dark gray on the map above.)

The Chambers 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 formerly owned by Donald Scott but operated by United Companies of Mesa County. The subject application is to expand the gravel pit extraction operations to a property south of the Colorado River directly west of Lafarge's Mamm Creek Pit on a property owned by Oldcastle S. W. Group, Inc. The size of 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 specific to the mining of sand and gravel to be primarily used for road base, asphalt and concrete. The Chambers 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 Chambers Pit over the last several years. Mining will include extraction of resources below the water table and therefore the use of existing water will continue to be an issue. This expansion is essentially a new pit operation.

Further, the entire extraction activity is proposed to occur within the floodway of the mapped 100-year floodplain and Watershed District for the City of Rifle. The cut-and-fill in the floodplain requires approval of a Special Use Permit for the Board as well.

I. 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.

II. STAFF RECOMMENDATION
Due to the significant size of the expansion (increase of current operations by 44%), environmental issues associated with wetlands and the riparian areas of the Colorado River, significant visual impacts within the County's view shed as identified in the Comprehensive Plan, impacts to the City of Rifle Watershed District due to its location directly upstream from the City's water intake on the Colorado River as well as impacts to their general planning areas identified in the City of Rifle's Comprehensive Plan, Staff recommends the Board direct Staff to schedule a public hearing before the Planning Commission in order to obtain a recommendation to the Board of County Commissioners.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to refer this SUP to the Planning Commission for extraction, material handling and processing of natural resources for an expansion to an existing gravel pit in the AL Zone District and a floodplain special use permit for cut and fill in the floodway.
In favor: Houpt – aye; Martin – aye; McCown - aye

PUBLIC HEARINGS: MARTIN, MARL L.; MARTIN, PATRICIA L. & MARTIN, MICKEY M. – JOINT TENANTS – CONSIDER A REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION FOR A PARCEL LOCATED APPROXIMATELY 2 MILES SW OF PARACHUTE

Fred Jarman, Jan Shute, John Savage representing the applicants were present.
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 – Easement Agreement between Della Mart & Maul and Patricia Martin dated December 29, 1981; Exhibit G – Resolution 82-05 granting Exemption approval for Della Martin; Exhibit H – Site Plan from Della Martin Exemption file dated April 8, 1981; Exhibit I – Email from Jake Mall to County Planning Department dated 3/10/06; Exhibit J – Minutes from Carpenter/Martin Exemption hearing dated 1-7-02; Exhibit K – DWR Policy Memorandum 93-4. Exhibit L – Town of Parachute; and Exhibit M – Power Point Presentation. Chairman Martin entered Exhibits A – into the record.
Fred stated the property is located approximately 2 miles SW of Parachute, CO at 700 County 303 in the NW ¼ of the NE ¼ of Section 20, Township 7 South, Range 95 West of the 6th PM, Garfield County on a 40 acre parcel with access off County Road 303 (Gardner Lane).

DESCRIPTION OF THE PROPOSAL

The owners of the subject 40-acre property request approval from the Board of County Commissioners to split the tract into two 20-acre tracts by way of the County's Subdivision Exemption process. Each new tract will have direct public access from County Road 303. Water to each lot will be provided by a shared well and wastewater is to be handled from Individual Sewage Disposal Systems.
Three challenges to the proposal and Fred walked the Board though those with the Board.

BACKGROUND & ELIGIBILITY

As of 1973, the subject 40-acre tract was originally a part of a larger 80-acre tract owned by the Martin Family. In 2000, Della Martin (by way of a personal representative deed) split the 80 acres by deeding two 40-acre tracts to family members. The western 40-acre tract was split by Exemption into two 20-acre tracts known as Parcels 1 and 2 of the Carpenter / Martin Exemption. The eastern 40-acre tract is the subject tract of this Exemption request splitting it into two 20-acre tracts. On its face, these splits would appear to result in the creation of a total of 4 lots created from the parent 80 acres which is the maximum allowed in the Exemption process; however, it is not that straight forward for the following reasons:

1) In 1982 (prior to the split creating the two 40-acres tracts) Della Martin obtained approval from the Board of County Commissioners, by way of an Exemption, to split the 80-acre tract into Tract A (a 30-foot wide access easement) and Tract B (the remaining 78 acres). This easement, defined as Tract A, was intended to provide access from CR 303 to a 2.07-acre tract. This action is memorialized in Resolution 82-05.
2) Staff finds that upon a review of the land use file of this Exemption, Della Martin's intent was to actually create a 2.07 acre tract out of the 80-acre parent tract for Marl and Patricia Martin. To do so, she was required to also provide an access easement from CR 303 to the 2.07-acre tract across Della Martin's property. This intended 2.07-acre tract should have been called Tract A and not the access easement. Unfortunately, the resolution which the Board approved reflects that the access easement was defined as Tract A rather than the access easement providing access to the 2.07-acre Tract. This action represented the first of the four splits allowed in an Exemption. [The site plan, shown to the right, was the proposed site plan in the 1982 land use file describing the 2.07-acre tract.]
3) Based on the intent of the Della Martin Exemption (approved in 1982) to create a 2.07-acre Tract to give to Marl and Patricia Martin, she also legally described and conveyed the 30-foot wide access easement for the benefit of whomever (Marl and Patricia Martin) owned the 2.07-acre tract. This easement was recorded in the County Clerk and Recorder's Office in Book 589 on Page 443 and attached to this Memorandum as Exhibit F.
4) Finally, the Applicant has not demonstrated whether this 2.07-acre tract was ever conveyed or not to a second party from Della Martin. If it was conveyed, it has legally been created as a separate tract and represents the first of the four splits allowed under the County's Exemption process. This is problematic for the Applicant because, if the lot was "created", then there are no more splits available to the Applicant supported by the following accounting of splits from the original 80-acre parent property:
   - Split #1: 1982: Della Martin created the 2.07 acre tract from the 80-acres creating two lots;
   - Split #2: 2000: Della Martin split the 78-acre parent into a 40-acres tract and a 38- acre tract creating three lots; and
   - Split #3 2002: Martin/ Carpenter split the westerly 40-acres creating four lots.

If Della Martin never conveyed the 2.07-acre tract, it was never "created" and the Applicant presently is eligible for one split as proposed.

The property is located in the Agricultural / Residential / Rural Density (ARRD) zone district. Section 8:52(B) states that the Board shall not grant an Exemption unless the division proposed for exemption meets the all of County zoning requirements. Upon review of the site plan, it appears that all of the zoning requirements have been or can practically be met except for development in the rear yard setback of 25 feet. More specifically, the rear of proposed Parcel B contains three structures including a "Trailer with Additions" and two "Sheds." The Trailer not only falls within the rear yard setback, but also extends over the property boundary onto the neighbor's property (Sharon Gardner) to the south.

As this situation exists today, it is a violation of the County's zoning code. Additionally, a criteria stated above requires that all County zoning requirements shall be met before the Board can grant an exemption. As a result, Staff finds this criteria (8:52(B)) has not been met.

1. Legal Access

The two lots being created both front directly on County Road 303 also called Gardner Lane and as such have access to a public right-of-way. Proposed Parcel B has an existing driveway from CR 303 providing physical access (in an apparent easement) to the existing residential improvements at the south portion of the parcel.

The County Road and Bridge Department reviewed the proposal and recommends that to be consistent with the requirements of the previous "Carpenter / Martin Exemption" approved in 2002, the owners of these new Parcels shall also dedicate a 30-foot right-of-way from their northern property boundary to the centerline of CR 303 for the full distance of their property as it fronts onto CR 303. A condition of the Carpenter / Martin approval required the Applicant provide a deed legally describing the 30-foot right-of-way which was accomplished. Further, the Board, in its motion required the Applicant's to remove any obstructions from this right-of-way at such time when the County Road and Bridge was ready to make improvements to CR 303.

Presently, the Road and Bridge Department recommends the Board require 1) the same right-of-way from the present Applicants and 2) that the Applicants shall remove the rock berm, fences, and brush at their own costs so that the scheduled upgrade of CR 303 which includes chip-sealing the right-of-way this summer. (See Exhibits G and I.) Staff suggests the Board require this as a condition of approval.

Domestic / Irrigation Water

The application contains two well permits. A well permit on the subject 40-acres was issued by the State Engineer in 1981 with a permit number of 119549. The well was drilled later in the same year. A 6-hour pump test was conducted with the drilling and installation resulting in a production of 2 gallons per minute with a drawdown of 191 feet to a depth of 276 feet. The total well depth is 280 feet. No recharge information was provided.

While there is not statement from the Applicant in the application, it appears the Applicant proposes to share this well between proposed Parcels A and B. Evidence of this arrangement is shown by a 20-foot "Well and Waterline Easement" shown on Parcel B which would provide access to the owner of Parcel A to the waterline and wellhead. If this is the case, the Applicant shall be required to submit a well sharing agreement that establishes the ownership and responsibilities of each Parcel regarding water and maintenance of the well and associated waterline.

The well permit was not clear as to how many residential dwellings can be served from such a well. Staff discussed this issue with the Colorado Division of Water Resources Division 5 Engineer who indicated that the Applicant may be allowed to clarify the uses allowed by the well pursuant to Policy 93-4 as well as alerting the State of a Change in Ownership of the well from Della Martin to Marl and Patricia Martin. The policy is quoted below and attached as Exhibit K. Staff finds that the Board, as a suggested condition of approval, not sign any plat until the legality of the well to be shared has been adequately established as being able to serve two dwellings.

Further, as is normally required by Section 8:42(D), prior to the signing of any final plat, all physical water supplies shall demonstrate the following:

a. That a four (4) hour pump test be performed on the well to be used;
b. A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
c. The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing 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;
g. A water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the well.

Sewer / Waste Water

The existing residential improvement on Proposed Parcel B is presently served by an ISDS. The Applicant proposes the same method of handling wastewater on newly created Parcel A. The soils found on both parcels include primarily Potts loam and Potts-Ildefonso complex. Potts loam has shrink-swell potential and whose soils perk slowly which would require an engineered septic system and the Potts-Ildefonso complex is typically found in areas of steep slopes which have runoff and erosion issues. Staff suggests, due to the soil types in the area, that any new septic systems constructed on Parcels A or B shall be required to be engineered by a professional engineer licensed in the State of Colorado.

State and Local Health Standards

Colorado Department of Public Health & Environment ISDS standards require the County to issue an ISDS permit for all such systems installed in the County. The future lot owners will be required to obtain the necessary ISDS permits from the County at the time building permits are obtained.

Drainage / Floodplain / Soils

The proposed parcels will contains approximately 20 acres each with limited creation of impervious space resulting in minimal drainage. There are no mapped floodplain areas on the property. As mentioned above, the soils found on both parcels include primarily Potts loam and Potts-Ildefonso complex. Potts loam has shrink-swell potential and whose soils perk slowly which would require an engineered septic system and the Potts-Ildefonso complex is typically found in areas of steep slopes which have runoff and erosion issues. Staff

suggests, due to the soil types in the area, that any new septic systems constructed on Parcels A or B shall be required to be engineered by a professional engineer licensed in the State of Colorado.

Fire Protection

The property is located in the Grand Valley Fire Protection District. The application contains a fire protection plan (Exhibit 9 to the application), which was submitted to the District and approved by signature by the District Fire Chief David Blair. The plan basically provides that access to the lots is from CR 303 which provides an all weather road, water source for fire protection is from an existing well and irrigation sources when in season, vegetation on the property is brush, irrigated crops and pasture, and that a plat note will be included requiring compliance with NFPA 1144 Standard for Protection of Life and Property from Wildfire recommendations. Based on the signature of the District, it appears this plan is satisfactory for the District.

STAFF RECOMMENDATION

Staff recommends the Board deny the request for an Exemption from the Definition of Subdivision for Marl L. Martin & Patricia L. Martin as joint tenants and Mickey M. Martin finding the proposal does not meet Sections 8:42(D), 8:52(A), and 8:52(B) of the County's Subdivision Regulations of 1984, as amended. Should the Board approve the request for an Exemption, Staff suggests the following conditions of approval.

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 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".

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. "All new septic systems and residential foundations shall be designed by a professional engineer licensed to practice in Colorado.

3. Because Parcels A and B will share a well for their domestic water supply, the Applicant shall establish an unincorporated Homeowners Association (with associated protective covenants) to own and manage the shared components of the shared water system as well as the water rights which include the ownership of the well. This HOA shall determine how physical elements and associated rights of the shared water system (well, water lines, easements, maintenance and repair obligations) are to be owned and managed for each future owner of Parcels A and B. This document shall be provided to the County for review as part of the final plat submittal.
4. The Applicant shall submit an approved well permit issued from the Colorado Division of Water Resources as part of the final plat submittal that demonstrates that the well can serve two dwelling units. 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;
g) A water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the well.

5. The property is located in the School District 16, which requires the payment of a $200.00 school site acquisition fee for each new lot created. In this case, the new lot being created for the purposes of applying this fee is Parcel A.
6. All construction shall require compliance with NFPA 1144 Standard for Protection of Life and Property from Wildfire recommendations.
7. The Applicant shall provide right-of-way to the County for a 30-foot strip from the centerline of County 303 to the property line for the length of Parcels A and B as they abut County Road 303. This deeded easement of the right-of-way shall be provided in a form acceptable to the County Attorney's Office and provided with the final plat materials. Further, prior to the signing of any final plat, the Applicants shall remove the rock berm, fences, and brush at their own costs so that the County Road and Bridge Department can conduct scheduled upgrade of CR 303.

Number of splits; water and zoning violation – yard setbacks for the mobile home. When building permits were being issued during the time, surveys were not required.

Fred stated that he attached a number of conditions in case the Board wanted to move forward with this application.

Applicant:

John Savage for the applicant addressed the concerns that Fred discussed with the Board.

John submitted Exhibit N – is the current title commitment for the property and Parcel 2 does not exist and this commitment shows the title to the entire 40 acres vested in the applicants and there's no requirements other than the Resolution done back in 1982.
Chairman Martin entered Exhibit N into the record.
John Savage said in talking with the family it looks that Marl who lives on that property, was trying to finance it and the financing company was requiring a separate lot and something happened and he didn't go through with it. An exhibit of a tax map does not show a separate parcel and theoretically at least, if that parcel has ever been deeded out it should show on the Assessor's map. That's not conclusive but it's a strong indication. What more staff wants to do is uncertain in establishing that fact. Short of someone certifying a search of the Clerk & Recorder's records back in 1982 to present that no such deed has been recorded, this is what we have. I would submit that the problem has been resolved and as Fred pointed out it's a distinction without a difference because I wouldn't even have to be here talking to you if that parcel actually existed. I would just file my lot line affidavit and be done. The property ends up four lots out of the original Martin family 80 acres regardless. The easement will disappear and we'll do something documentary of record to get rid of it and you could argue that it merges into title since the same people that were to get conveyed the easement to now own the surface also but we'll clean that up. The water well issue, it is quite common that these older wells didn't contain the phrase can be used up to three single residences on the 40 acres. This is clearly a 35 acre exempt well and it is a simple procedure to go back to the State Engineer's office and get that endorsement done on the permit. I've checked the water records and there is no other wells on that 40-acrse so it's clearly qualifies as a 35-acre exempt well that can be used for up to 3 dwellings. The physical supply of water is a little more of an issue, we have started some work on it, the winter season interfered with that, we did some production on a well test and it came out pretty well. It passed biological, it flunked nitrates enormously, and one of the highest nitrates readings that this engineer had ever seen. We were about to before the weather changed, go back in and clean up the sites produce if for a while and see if it cleans up and it may just be surface contamination. That's a preliminary guess as to what's going on. We know that the conditions typically are when you come in for a subdivision application you show there's a reasonable possibility that you are going to have water and then you go back and spend the time, money and effort to prove it before you file a final plat. That's the course we've been functioning under. The last issue brought up by Fred is the zoning violation. It's clear that assuming this survey is correct and there's always that issue as to the next step, now we have to go back and see where corners came from and BLM came in about 10 years ago and put in a lot of corners. So if someone wants to get serious about boundary lines, they will have to go back to BLM and general land office records and looks to me like the corner moved. Maybe legitimately, maybe not. But that's really beyond the scope of this application and our position to this is there's nothing we're doing today with this application that changes that situation. We're not making a violation by this application, it exists and although we're going to call the lots something different than they are now there'll physically the same lots. I proposed to staff that we add to the plat when we get it done, a pretty obvious plat note that says we have possible boundary discrepancies and possible zoning problems on this lot B and that should address county concerns on that point at this point and if the County wants to go out and do something about the possible zoning issues, that's another issue but it really shouldn't affect this exemption application. The third issue I had that Fred didn't bring up was some discussion in here about Road and Bridge and I'm encouraged to see that we are not requiring exemptions to deed County road right of ways. But the issue here is, the plans are to chip and seal County Road 303 and they want the Martins to clean up the County's right-of-way that they are about to give them and that's not unreasonable but the problem is there is a power line going down the berm and fence brush that Road and Bridge wants to clean up and this is where the power line, an overhead power line going right down through there. So we're not talking about moving a power line I assume but it doesn't seem to make a whole lot of sense to move a fence and a rock wall that is in-between power poles. I'd be happy to go out there with Jake Mall before we get done with final plat then we'll have to go out there and see what we can and cannot do. The other question I had was this property intersects where the Bower driveway comes in, that's 308 Road coming in and my question is whether the County's planning to do the part of the 303 Road to the east of the driveway or not, which is unlikely because all it is, is a driveway to two houses.
Fred – Road and Bridge doesn't include any of that in their comments to us so I can't answer that.
John Savage, it's unlikely that they are going to do anything to 303 east of the driveway, east of where 308 comes in.
Commissioner McCown clarified that was where the rock berm and power line is and all that.
John Savage - not there's some of that west of there.
Commissioner McCown – CR 303 on Fred's map turns and goes back to the north, you can see it turn and it goes to the south or it would appear to.
John Savage – a larger map was referred to. The surveyor didn't put 308 Road in. He shows the Board on the larger map. He didn't receive the County's mail assuming the postage machine has the correct date on it, it was mailed on March 9th and we received it this morning March 20th. I've been in communication with staff via email but didn't get a copy of the staff report. School district's fees are fine; staff report talks about an unincorporated homeowners association – the last time we were doing these things we were doing well-sharing agreements, which is an essentially unincorporated homeowners association. It does say something about unincorporated homeowners association is supposed to own the system which I would.
Fred – that's typical, someone needs to own the system, HOA, whether it's unincorporated.
Commissioner McCown – whether is a well-sharing agreement, someone needs to own the system and then proportionally share the cost or the burden.
John Savage – we can certainly to a well-sharing agreement. When you have more owners then you have to have an entity, but when you only have two owners sharing ownership and with an agreement that shares that governs that ownership is all you need. Power line – John requested that this exemption be granted with the conditions listed by staff. We understand our obligations for the water well and we'll do that before final plat. We will clarify with the Road and Bridge on what they want on the road right-of-way and

do what is physically possible. The only policy decision left is the zoning violation, that one we can't change.
Fred – in the Road and Bridge comments the last time when the Carpenter/Martin exemption came through, there was a condition of approval that frontage get cleaned up at the same time that this does. It was deferred until this came through and wanted to make sure you were aware of that. Exhibit I addresses this.
John Savage – are you expecting us to do something about the Leullen's?
Commissioner McCown – this letter from Jake indicates that they will follow up on the other owners that were in the first subdivision, it doesn't necessarily say that the burden would fall on this division.
Fred – that's correct.
Commissioner McCown – no we have to take care of the power line.
John Savage – and what he's saying is that this precedent was established in the first exemption, but they didn't do anything with the right-of-way, there's a requirement that when the County will have to go back to those two, parcels 178 and 179 and get them to do what they agreed to do.
Chairman Martin – which is under the Resolution of January7, 2002, Article No. 7 on the Resolution.
Commissioner McCown – "shall be dedicated and the fences moved or removed in order to be consistent with the right of way".
John – presumably the right of way was done.
Fred – believes it was.
Commissioner McCown - we can ensure the movement of the fence, the County will have do that you won't. And at the end of the day what I see condition of approval coming out of this action should we chose to approve it, is the fact that the 30 feet of right of way on each side of the centerline is dedicated to the County. Clean up I think we will have to worry about the movement of the power lines as a County problem, that is not the private landowner should we decide to improve that road. The insurance that the adequate right of way is there is what we have to take care of. From a legal standpoint if we make a condition No. 8, that "the Resolution regarding this exemption from a subdivision, invalidates any action taken in the 1982 Resolution creating the 2.7 acre lot" that a condition of this approval completely, the Resolution that codifies this negates any action that took place in 1982. Should this phantom lot show up somewhere that has never been conveyed, someone finds it and tries to convey it at a later date, this would nullify that action.
John Savage –we put in it the Resolution, we put it on the plat note and we'll kill it because we'll end up cross-conveying between Mickey Martin and Marl Martin these two parcels and we will clearly kill it.
Jan Shute – I think it should actually be set up as a separate Resolution vacating 82 -05 based on the request by the applicant so we actually vacate that Resolution first and then if the Board wants to approve this I think that would be the cleanest way to deal with it. One question, have there been any discussions with Ms. Sandra Gardner about this property line issue?
John Savage – she's been advised of it and got a copy of the map. The Martins are in good relationship with the Patton, there may be some other issues going on – these people have lived there longer. That is back in the middle of no where, there are very few people that even know they are there – its really back there in the boons. So I've had no contact with Ms. Gardner at all.
Jan Shute – but there has been some mail contact.
John Savage– she's had notice, yes. My understanding is that she's aware of the issues. Rollie Gardner died a couple of years ago and the sons are back and there's some family things going on so there's been some consideration of it but its really in a spot that nobody's likely to want to spend much money to pursue it.
Commissioner Houpt – this raises a question for me because you said they've been made aware of the line but you don't know how they really feel about that and wondering if we approve this with that violation, what kind of liability does the County have then for approving this with that violation in place if it's challenged later on.
Jan Shute – straight property line disputes are private, the set back issue is what we would have an interest in and usually we're advising the Board to separate out zoning violations versus land use violations – the only reason this one comes before you is because one of the items in the exemption is all Garfield County zoning requirements will be met. Jan said she wasn't aware that the building permit that was approved until we came into this meeting – it has been the policy of the Building & Planning Department and the Legal Department that if we have approved a building permit, that clearly approved some violation that the County then doesn't go out and try to enforce on it. However, I haven't reviewed the entire file and not sure of the status was of that initial approval.
Commissioner Houpt – I wasn't suggesting that we would enforce on it but I was suggesting that we would be caught in the middle of it and a part of this if it were challenged later.
John Savage showed the Board the Exemption plat will show the physical situation. The exemption plat is based on the pole line which is the title property and the exemption plat won't go to the fence line. The violations are outside that line so I would say that the only obligations the County has at all is the boundary and I doubt that. The facts of the whole matter are going to be set forth on the plat.
Commissioner McCown – but the creation of another lot doesn't make the problem go away or the disapproval of the other lot doesn't make the problem go away, it does not change the zoning violation if there is one at all.
Commissioner Houpt – my question was if we, this clearly this shows that there are some issues that need to cleared up if they're challenged, do we have any liability if we move forward on this exemption knowing that's out there.
John Savage – we'll going to put a plat note on it that clearly says you're not – that's how we're going to address it. I do these things for both sides, because I come at them at both sides. It's a notice issue is what you're talking about and that's doable in bold letters. I can't guarantee that people are going to read them.
Jan Shute – if you want to discuss liability issues it may be better done in executive session.
Commissioner Houpt – do we have – so you can't answer my question right no.
Jan – I don't know, I'm saying that you may want an executive session for legal advice on that issue.
Commissioner Houpt moved to go into an executive session saying it will take 2 minutes but I really want that question answered by you. Commissioner McCown seconded. Motion carried.

Commissioner McCown moved to come out of executive session. Commissioner Houpt seconded; motion carried.
No action to be taken, legal advice only.
Jan Shute – the only other thing that we didn't get from Mr. Savage is the issue of the change of ownership of the well, will you roll in, it was still in the of Della Martin.
John Savage – we filed an application for a well location amendment, there was some discrepancy between the original location and where it was actually drilled and we listed that in both names and when we do the transfer it will be a statement of ownership, two separate statements of ownership filed, one for Mickey and one for Marl and Patricia.
Commissioner McCown moved to close the public hearing. Commissioner Houpt seconded; motion carried.

A motion was made by Commissioner McCown that we approve the exemption from the definition of subdivision with the conditions of staff, No. 7 going to the last sentence of paragraph and striking that last sentence; I was unclear and guess we can take necessary action when we vote on another Resolution to negate the action of 1982, but given Condition 1 in here that will be properly addressed.
Commissioner Houpt – so you would strike that entire last sentence, I know that we talked about the meeting with Road and Bridge to see what they do.
Commissioner McCown – I would Tresi, that's in our purview to clean up those right of ways once we get the property granted to us.
Commissioner Houpt seconded the motion.
Discussion
Commissioner Houpt – just want to make sure that we do have the new Resolution drawn up to vacate Resolution 82-05 that's a part of this.
Commissioner McCown – that will be my next motion.
In favor: Houpt – aye Martin – aye McCown - aye

Commissioner McCown made a motion that legal draw up a Resolution negating the action taken in Resolution 82-05 and that be presented on consent agenda for approval.
John Savage – we're happy to have done whether this goes forward or anything else because it's a mess and makes no sense.
Commissioner McCown – we'll get that anyway; I didn't put that contingent on approval of the plat or anything, just get that to us. Just the action pertaining to this land use, not negating everything that took place in that Resolution because there were other actions that might have taken place.
Commissioner Houpt – seconded.
Chairman Martin – no action on the conveyance of the lot if it was created.
Houpt – aye Martin – aye McCown - aye

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

MARCH 27, 2006
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 27, 2006 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
Peggy Uteush asked to have the EAB to be participants in the hiring of the oil and gas auditor. Her reasons are because the Energy Board is representative of a number of boards and deserves to have a say in the hiring process.

Commissioner Houpt agreed that this actually showed up on three agendas and was taken off. She said it's very important to look at the two positions that warrant input from the public sector: County Manager and the Oil and Gas Liaison since these positions are the primary liaison for the county and work with municipalities, counties and special districts. This was talked about at our last meeting and she does think it's important to have a solid participation of the process. That could include screening on the résumés, the questions, sit in on the interviews and give recommendations; a public process with all the stakeholders as this is a critical role in the county.
Peggy Uteush – a lot of County citizens understands oil and gas but until you live with this, you do not understand fully unless you are an impacted landowner.
Chairman Martin is concerned against pitfalls and to have the EAB involves takes away from administration. This is very critical and we don't want to be creating a golden type of employee that will have the backing of outside influences. The Commissioners are involved in the process and the Commissioners are responsible for the hiring.

Commissioner McCown this is an oddity is our personnel procedure and he does not support hiring as a committee. There's a lot of give and take in the creation and the Human Resources Department is charged to hire someone who fits those criteria. The process we hire people is in place; this is an administrative position and we do not hire the county jobs as a committee.
Commissioner Houpt said that we do hire by committee; the last time there was a committee put together and the folks are asking to expand it from just the chairman. They would like to be included in the screening of resumes and develop questions and give feedback. The EAB is made up of industry, mineral owners, Grand Valley Citizens Board, and landowners. This is not different from anything we are doing now. She would like to broaden the perspective from just the chair of the EAB to the entire range of the stakeholders.

Orland Bell voiced the same concern with the same issue on the hiring process of the Oil and Gas Auditor. The EAB serves as an advisory board and feels the entire board should have a full range of the selection of candidates. Proposed a committee made up of representatives and let them be involved as to who reaches that interview and hiring. Orland Bell does not intent to be a supervisor of this person, not just one person but a more representative sample.
Chairman Martin stated we must take all politics out of the selection; this is not a political appointment and that we need someone who will be very neutral.
Commissioner Houpt – representatives take the politics out of it.

COUNTY MANAGER UPDATE – ED GREEN

- ***Road & Bridge – Road right of way for Williams Petroleum at the Landfill – Marvin Stephens, Jake Mall, and Bernie Herwick***

Scott Brady from Williams, Kraig Kuberry, Jake Mall, and Marvin Stephens were present.
Jake explained that Williams Petroleum is requesting permission to build two new access roads on the Landfill property. The new roads would provide access to existing well pads that will have more wells drilled on them.
One road south of CR 246A (Landfill Road) is between two existing well pads following an old access used during the seismograph project that took place in the past. This road will be accessed from the south using a CDOT road that parallels I-70.
It was suggested to put a 3"overlay on the road they use. Now that they have estimated the cost they would like to use the one coming in from the north – the Landfill road.
The second request is for a road crossing just west of the Landfill gate from the same pad as the previous request. This crossing will be from an existing well pad on the south side of the Landfill Road to an existing well pad on the north side of the Landfill Road except at the road crossing.
Both accesses onto the Landfill Road would require a stop sign at each entrance to the Landfill Road, a paved apron on each approach and an asphalt cross section of 4-inch asphalt 24 feet wide on the Landfill Road. The existing road surface would be saw cut and removed for the new asphalt to be installed on the Landfill Road. The approaches and the asphalt cross section would be on complete installation.
Kraig stated that it will be 75 years before they will be accessing the property where they are proposing the road.
Jesse – Scott – wanted to come to the northern pad without using the Landfill road – they would have to cross BLM land but BLM would not allow them to do it.
Marvin agreed with what Scott is proposing.
Don – surface use or right of way agreement? Suggested a right of way and will get an agreement together and bring back toward the Board.
As long as he overlaid the road, it will be okay for Scott to use the landfill road.
Scott wants to start construction the road within the next week or two.
Don – get with Williams and have them submit an agreement and it can be placed on the agenda in the next week or two.
Scott – will be using the road several months this spring and summer but does not want to be responsible for any damage after they have finished.
Commissioner McCown - Paving after the drilling is completed but will have to do dust control.
Scott was agreeable.

- ***Road and Bridge – CR 117 permit for Springridge Reserve – Marvin Stephens***
- ***Road and Bridge – CR 125 permit for Springridge Reserve – Marvin Stephens***

Marvin Stephens, Bobby Branham, Pat Fitzgerald, David McConnahey, and Carolyn Dahlgren were present.
Design drawings were submitted and the special provisions. Need to act of the special provisions on CR 117.
Yancy Nichols – design drawings were not changed but clarifications were made to sections. The construction drawings and four sections to clarify. These are additional drawings. Jeff asked for exact details along the road.
Drawings were submitted and Yancy explained the construction plans.
No changes in the 3" of asphalt.
Commissioner McCown stated the new clarifications answer his concerns.
Carolyn – explained the redlined document. Last year we assumed that Comcast and Kinder Morgan and any other shallow utilities would come in and get their own permits but from the conservation today, Pat Fitzgerald thought it would work better if the developer took responsibility for those permits and that Jim as the on-site representative and also TARCO's on-site representative would coordinate getting those other shallow utilities in so we don't have Comcast and Kinder Morgan saying when we get to lay our stuff. County staff recommended some very specific limitations on work hours and in particular between 7 and 8 in the morning, only start up work would be allowed. This would help the commuters going to work and no impeding of traffic would be allowed. The meeting of March 10 is

where TARCO asked for 7am to 8 pm. There are some changes in traffic control and access and it has been agreed to limit the speed limit during construction. State statutes says that the County can by Resolution or Ordinance change the speed limit during construction

Marvin presented the 2006 construction permits for installation of utilities in public right of ways with a schedule to start April 3, 2006 and finish 75 days – no later than June 30, 2006.

If it is later than June 30th, they will have to come back and get an amendment.

Jim Frail from the utility company Kinder Morgan was present. Jim Frail will be on site for better communication and they have added more informants about public education. The Permit assumes the same cost as last year – same not to exceed figure. Par 22 – the Board has already paid a certain amount out of the not to exceed figure.

Pat Fitzgerald – public information is the key. They will be announcing on KMTS on Saturdays. They will handle this and Yancy's suggested that the public service points toward the County website and make sure the website knows what is going on. People can access the information and see the schedule for the week. More efficient communication. Speed limit down to 25 mile per hour; talked to Lou on Friday; he will make a presence up there that the speed limit is the speed limit.

Carolyn - an electronic speed sign – portable electronic speed sign will be available.

Yancy – TARCO is fine with the permit as written and electronic sign posted at both ends of the project – 3 days or a week when changes were to occur. Electronic message board.

Marvin – just more information – if they will update their flagger then he could have one board just going up Sunlight. We have worked at making communication better.

Commissioner McCown suggested any delays and any changes other than normal and includes paving dates and otherwise general information.

It was agreed the bottom sign would be adequate.

Commissioner Houpt asked for some tie in at the top.

Double fines for speeding.

Yancy stated they will start next Monday. Dry Park – April 9 and Ski Sunlight – not work when they are open.

Commissioner Houpt – work hours – M through Saturday from 7am – 7pm and Sundays if approved. Saturdays – made it 8 – 5 – fairly intrusive and people remember last year.

Yancy agreed on the work hours and no impeding traffic until 8 am – no digging, no excavating.

Commissioner Houpt - Last year it wasn't precise – Tarco ran into problems – if people put up with a 7 – 7 schedules – is that a fair promise.

Yancy – not precise – but if they cut back hours on Saturday it will make the construction work longer.

Commissioner Houpt – not convinced.

Commissioner Houpt – there's a condition – delays up to 5 minutes – delays were up to 20 minutes on the road – wondering how to enforce this and is this realistic.

TARCO – Ken said it depends on your traffic – if you get into a situation where it takes more than 5 minutes – the equipment is different and trying to keep traffic delays down.

Commissioner Houpt – evening hours weren't addressed

Public Information – newspaper for public education. Pat said to use the radio and point people to a website.

Commissioner McCown – weekly meetings will continue and any radical changes in the work schedule. If we cut back to 6 pm it will mean a longer construction time.

Carolyn – the SIA does not need to be amended.

The Commissioners discussed the provisions at length with Tarco Representative – Ken Locke, Superintendent including a lot of variables with the weather, underground rocks and took into account that conditions could change if something unforeseen arises.

Motion:

The Board needs to approve the construction permit for installation of utilities in public right of way for CR 117 including the cost sharing provisions and for CR 125 without those.

Commissioner McCown so moved; Commissioner Houpt seconded.

David McConnahey asked for clarification if Larry's motion including changing the paragraph 5 to one message board to two.

Commissioner McCown – yes as testified to earlier.

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

The Sheriff requested a separate action is to change the speed limit to 25 mph so he can enforce it.

Motion:

Commissioner McCown made a motion that we authorize the lowering of the speed limit through the construction zone from 35 to 25 mpr and the chair be authorized to sign the Resolution. Commissioner Houpt seconded.

Clarification - this is just during the construction period and is temporary.

Motion:

Permits for Comcast and Kinder Morgan.

Commissioner McCown made a motion to approve the shallow utilities going in the same trench.

Commissioner Houpt seconded.

Chairman Martin identified the ones going in as K & N and Comcast.

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

- ***Library Board – Discussion – Dale Hancock***

Update –A request for a workshop with the Board to give a status report; they are involved in interviewing 2 investment banking firms and contemplating a special district election and met with the 6 towns and Dale committed to the April 6 next Board meeting –regarding this.
Potential date - Library - April 6 – information exchange and Q & A – could be during a regular meeting.
Decision was to place this on the agenda for the 17th of April as a workshop - 30 minutes– a 10:15 item New Library Director – Ann Ware; Mindy Kittay – new assistant director.

- ***Airport – State Discretionary Grant – Pavement Project - Brian Condie***

Brian Condie presented a letter to the Board of congratulations on the successful application for Colorado Discretionary Aviation Grant program and the Grant Agreement for funding pertaining to maintenance of Airport pavements at the Garfield County Regional Airport in the amount of $140,000.00. Local match is $35,000 and that is covered with the Airport budget.
Carolyn – separate Resolution – promise to provide $35,000 and Brian as director and keep airport open.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the grant agreement with CDOT by Resolution and Chair be authorized to sign both the grant agreement and the Resolution.
In favor: Houpt – aye; Martin – aye; McCown – aye

- ***County Hangar 2060***

Brian informed the Board of Mr. Russ Pearce, owner of Precision Aircraft Maintenance, (P.A.M.) gave notice that he is moving and will o longer operate a business at the Airport after April 30, 2006. He will be vacating Hangar 2060 and no longer have a lease interest in the building after this date.
On May 1, 2006 we will have a hangar that is available to the County. The plan is to remove this building in the spring of 2007 so the Rifle Jet Center may construct a new terminal building. The County would also build an Airport Managers office with ARFF bay attached to the new FBO building. Until that time, we have several options available to utilize the building:

1) Lease the hangar on a month by month basis
2) Use it to store County equipment
3) Have the building removed

Brian suggested that we lease the hangar on a monthly basis and would use a high big process and start the bid rate at $390/monthly, our current lease rate.
Park the aircraft on the ramp – could take up 6 months to get it fixed. It is on the dirt – can move it without any liability. This aircraft does have value – if it does become abandoned – defined in the rules and regulations – quoted the regulation.
Carolyn – title documents for an airport – we could go as formal agreement asking for an escrow agreement where title documents are held asking if he doesn't pay after the 6 months – after 3 months of non-payment the title would be the Counties.
Motions
Airplane
Commissioner McCown made a motion to authorize the Airport Manager to allow Mr. Pearce to leave his aircraft as discussed in prior testimony for 6 months rent free and with the conditions stated by the Airport Manager on movement of the aircraft if necessary and no liability incurred by Garfield County should that need arise. Commissioner Houpt seconded.
In favor: Houpt – aye; Martin – aye; McCown – aye

Building
Since this is a relative short term, Commissioner McCown made a motion to utilize this building to store County equipment in and at this point that would appear to be the greatest need by the Sheriff's office for the swat vehicle but not limited to that. Commission Houpt seconded.
In favor: Houpt – aye; Martin – aye; McCown – aye

- ***Private Landing Strip Discussion Topics***

Landing strips proposals that come before the Board. Brian talked with Peter Mueller, consultant about developing a guideline for the County. This is separate from the County Airport and asking for CUP or SUP – looking at the issues – purpose of this development guide would be to protect the landowners, the aircraft users, protect GARCO and FBO's – if Glenwood was to close, see another proposal – address that if it becomes before the board – facility, dirt, paved runways, airport with office, airparks with zones and business, helipads for helicopters, private only by invitation, private op[en to the public and application process – depends on what type of in-depth proposal – goes out for selection. This is not budgeted for but would like to pursue it.
Commissioner Houpt – are you proposing a regulation?
Brian – just outlining a need for landing strip.
Carolyn –this is part of the land use code and should be included under specialties on Code rewrite. It's also within the definitions with land use codes. Utility, commercial, air carrier – what do you want in Garfield County?
Don – commented that there was a discussion at the last meeting of Planning Commission regarding the process of addressing the code rewrite and it is imperative to have feedback very soon as we are still on track to get the Code back to the Board in the next several months – need comment, action and direction in 3 weeks.
Brian suggested we proceed with a scope of work and bid out; if not a need then go with the code rewrite.
Don – go out for a study.
Brian – do we need to do that – time consuming and unless you want to leave out airport in Code rewrite –
Don – the airport would need direction

Brian – looked and this is not in any scope of the scope of work that we already have contracted out so we can't really fast track it that way, if we want to stay in line with the County procedures then something like this would have to go out to the public and bid it out.
Chairman Martin – this is quite a deli mina for this Baord, if there is a need and we don't address it then we're being neglectful and if we do address it then it adds 6 months to a year for the land use just because of this one item.
Ed asked if the current contract could be modified to address the additional considerations
Commissioner McCown – not as much concern with this going out for an RFP, the existing land use code be developed, on-going, running simultaneously; if that procedure gets to a point where it is ready to be approved 5 months ahead of this study, I would certainly anticipate adopting that land use code and those subdivision regulation s with the absence of this critical information knowing full well its coming. At which time the study is completed we would amend the land use code. I know Don that this may open up some other possibilities for amending the land use code but an un-amendable land use code I am not going to support anyway.
Don – we're not proposing un-amendable land use code, we're trying to bring closure on it finally and then the direction I see Mark and I needed in terms of moving forward with that code, do we simply leave in the current definitions and restrictions on airports and landing strips that are there in spite of any objections that Brian or Carolyn may raise to those.
Commissioner McCown – yes.
Commissioner Houpt – did you submit comments at all to the wording they have in the code?
Brian – they are fine until this is done. If we wait for 6 months before we come up with this code, they can use the old code. This is just protecting the County 10 years from now.
Carolyn – airports are a specialty area.
Commissioner McCown – nothing to preclude in the rewrite – airport regulations can be rewritten.
Ed – why can't we amend the existing scope and have the current contractor place a sub-tier contract for this. This would eliminate the procurement time for a separate action.
Chairman Martin – it's more time and money.
Don will talk to Barb about doing it.
If it's a possibility then the Board supports.

COUNTY SHERIFF UPDATE:

Lou Vallario presented the following items to the Board:

- ***Sheriff – Detention Facility Security Systems – approval of bids to complete the Courthouse security***

Tim Arnett and Paul Tegtmeier and Lou Vallario were present.
Lou presented the bid recommendation to Current Solutions for the procurement and installation of cameras, controls, magnetic door locks, camera systems and CCTV DVR equipment for the Garfield County Detention Center and Courthouse. The bid award is for a not to exceed amount of $92,389.00 and have $89,300 in the budget.
Mildred asked the timeframe and amply notification to alert the public; also new badges.
Lou stated there will be signs put up prior to totally locking down the building; fire safety locks and all badges for employees.
Weekends – only come in the employee entrance.
Election time – open up south doors – coordinate through hallways. Must be able to bring them in – can make special provisions.
Lou said it will just not be a normal access – most of the time employees will come through the west door and that's where the card reader will allow access.
Commissioner McCown made a motion and seconded by Commissioner Houpt to approve the bid from Current Solutions in an amount not to exceed $92,389.00. In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Sheriff – Office Storage – purchase of a Quonset Hut***

The Sheriff's office is in need of additional storage space to secure vehicles, records, etc. The preferred location of this building would be within the confines of the Road and Bridge property, adjacent to the existing Search and Rescue Barn. Marvin has agreed to the location of the building and he also agreed to assist with providing the gravel needed for the floor and apron.
The building will be 72 feet x 30 feet x fifteen Quonset with a garage door on one end and a standard door at the other. The total cost of the building and additional materials are estimated at $10,493.00.
If in the future additional facilities were constructed for the Sheriff's Office, the building would still be an asset to the Road and Bridge Department for their storage needs.
Lou said he is not requesting funding for this project at this time, and he intends to use the SCAAP funds for the project. The request today is to move forward.
The hangar idea is also a good way to store temporarily.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Quonset hut at the Road & Bridge facility and that we approve an amount not to exceed $10,500.
In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Sheriff – Detention Facility plumbing repair – approve and fund***

Lou provided the board with a memorandum about the numerous plumbing problems and significant floods. In the past 3 years we have had 8 floods of which only 2 were inmate related. The other 6 were related to inadequate plumbing.
A cost estimate and associated bids to repair and improve the existing plumbing weaknesses was submitted at a cost of $30,570.00.
Commissioner Houpt made a motion to approve the supplemental budget to have $30,570.000 to repair the hot water return line and the problems that have resulted. Commissioner McCown seconded.
In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Sheriff – Investigative Equipment Purchase – approval of sole source provider***

Lou submitted the documentation describing the KRIMSITE Imager to be purchased for the Investigative Division of the Garfield County Sheriff's Office. The item costs $14,950.00 and is budgeted in the 2006 budget.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the sole source provider certification to KRIMSITE for a fingerprint imaginer in an amount not to exceed $14,950.00.

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

- ***Sheriff – Donate retiring Garfield County Office Sheriff Office Transport Van to (All Hazards Response Team) AHRT***

Lou requested the Board to authorize donating the 2002 Ford Van used to transport inmates that will be replaced with a new van. The vehicle will be donated to the Garfield County All Hazards Response Team and it will provide additional support to AHRT for multiple uses including a quick response and jump out vehicle for high risk operations.

If the vehicle is donated, the City of Glenwood Springs has agreed to assume the registration, insurance and all maintenance and fuel costs associated with its use. It will be used solely for AHRT purposes.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the donation of the transport van to the City of Glenwood Springs for the All Hazards Response Team.

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

Human Resource Issue – Lou said they have more than their share of problematic issues where we have to call people to come in on an emergency issue. The response is no thanks, or no and Lou wants to include in all job descriptions of all the sworn personnel some language that simply states they work in emergency services area and public safety consortium and they are required to response when notified. This would make it easier for Lou if it was included and explained ahead of time before we hire people.

Don – this is an operational issue and is within the Sheriff's purview since he is responsible for the administration personnel outside of any control by the Board.

Board agreed

ComCor Building – When the new facility is completed, Lou inquired about returning it to the original version and asked for ideas.

Commissioner McCown – what Lou feels would be the best use is fine with him.

Possibility for ICE holds – possibilities – or very difficult maximum or super max area.

COUNTY ATTORNEY UPDATE – DON DEFORD

Treasurer – Credit Cards for Property Tax Payments - letter of Understanding for Services – Georgia Chamberlain

Don and Georgia submitted the Certified Payments, Inc. Letter of Understanding for Services.

Georgia explained how she was proceeding. Requests by the public to accept credit cards. Certified payments – other treasurers – 3rd party providers – they handle the collection and give the money to use – the fee is paid to certified payments. On line – by an 800 number – know what the charge will be for using their credit card – can't make it without paying the fee. No charge to the county.

Other counties using this are on this system and it sounds like it would be straight forward in setting it up.

Suggested giving this a try. Free to the County service – property tax payments.

Commissioner Houpt – asked Georgia to find out what other counties are doing.

b. Resolution - Richard J. Murr – consideration confirming

Don submitted the Resolution confirming previous exemption request of Richard J. Murr. The Resolution No. 78-94 was found in the Commissioner Minutes but it was never executed or recorded, therefore action is required by this Board to confirm the previous actions as evidence by the official record of the Board.

Mildred added this was primary for an exemption for Richard Murr and she doesn't know why it wasn't signed, Richard is ill and couldn't be present and would appreciate the Board signing this now.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to confirm and go approve Resolution confirming previous exemption for Richard J. Murr and the Chair be authorized to sign it.

In favor: 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) Approval of Minutes for November 14 through December 19, 2005 and January 3 through February 21, 2006 – Mildred Alsdorf
f) Liquor License Renewal – Fairway Café and Aspen Glen Club – Mildred Alsdorf
g) Building and Planning – Valley View Subdivision in Battlement Mesa PUD – authorize the Chairman to sign the final plat for the resubdivision

Remove g and d and b

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a, c, e and f; carried.

REGULAR AGENDA
HUMAN SERVICES COMMISSION
HOSPITAL SERVICES – MARTY WISDOM AND BETTY CLIFFORD

Betty Clifford introduced Marty Wisdom, new CEO for Grand River Hospital who gave an overview of what the hospital does.
Grand River Hospital District consists of the Grand River Medical Center, Grand River Primary Care and specialty services, Battlement Mesa Medical Center and E. Dene Moore Care Center.
A power point presentation was given to the Board outlining the growth/additions that are related to this industry.
Due to the oil and gas industry there are needs consisting of occupational health center. Expect this to include 800 a month – physical mock-ups in the occupational health center.
Expanded emergency room services – increased from 5,000 in 2003 to over 7,300 in 2005 and continue to grow. 15% have something to do with on the job industry with oil and gas. Impact on long term care center has not yet been impacted. Population statistics do not reflect the residency levels.
Simulate a job site to work without industry.
No ICU center.
Balance the needs of long-term services and influx of short-term impacts.
Ed – comprehensive safety program in the community. The key company is DuPont and became vital services. Like to see some type of cooperative venture.
Small service companies in with the oil and gas industry.
14% of total expenditures were funded by tax revenues but not to rely on it for operating.
Different venture – food service for the Community Corrections project.

Valley View Hospital
Frank Swain – Gary Brewer out of town – representing the foundation.
Oil and Gas Industry and the effect it has had on the hospital. Buisiness is up in all areas – general growth or west Garfield County. Fist of April – meeting with EAB to advise them of the hospital. Safety engineer to make them aware of their emergency plan in case of a disaster.
Indigent care – support Mtn Family Center and last year over $1 million to expand and upgrade their facilities.
Charity care and bad debt was up 21% - 7.4 million given in bad debt and indigent care.
Heart and Vascular – 2 cath labs – ICU beds – heart attack or stroke – Denver or Grand Junction – studies show – treat in 60 minutes – better recovery – November or December -clinics in Rifle , Basalt, 2nd cardiologist this summer.
Thanked the Board for their cooperation.

BOARD OF SOCIAL SERVICES
EBT/EFT DISBURSEMENTS FOR FEBRUARY 2006

Lynn Renick presented the EBT/EFT client and provider disbursements for allocated programs totaling $417,159.53.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the EBT/EFT disbursements of $417,159.53.
In favor: Houpt – aye; Martin – aye; McCown - aye

HUMAN RESOURCES – POSITION REQUEST FOR PART-TIME ELIGIBILITY TECHNICIAN (TANF PROGRAM)

Lynn stated the Colorado Benefits Management System (CBMS) has created changes within the eligibility division and Garfield County is showing the largest growth in the adult programs category. The request is to add a 24-hour per week part-time employee for the TANF/Colorado Works Eligibility Technician. This position would provide current intake staff more time to work Adult programs applications and cases. The additional costs for a part-time position under the Colorado Works program would be within the existing budget. No benefits for this person.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the additional 24 hour part-time position for the Department of Human Services.
In favor: Houpt – aye; Martin – aye; McCown - aye

PROGRAM UPDATES

Lynn referenced the CBMS inaccurate case reports in the numbers.

Youth Issues Project

A document was submitted outlining the approach and sample on-line survey questions that was the outcome of community work planning groups meeting on March 2, 2006.

BOARD OF HEALTH
PUBLIC HEALTH PROGRAM UPDATES

Mary provided the Board with a general update and impacts of the oil and gas industry development presently occurring and forecasted oil shale development. This is having an increase for services in Public Health.

Posters were given out – August 3 – 9 National Health Week

Program update was submitted.
Community Assessment – this is to make sure they are meeting the needs the needs of the citizens. Excellent response and now conducting some focus groups to pull the gaps together. Now they are compiling the data and a hard copy will be out in August.

AIR QUALITY MONITORING STUDY UPDATE - JIM RADA

Power Point Presentation

Air Quality Monitoring Study Overview – 8 months into the gathering data and can draw some preliminary conclusions.
Evaluate air quality characteristics within a portion of Garfield County and address public concern.
7 fixed monitoring locations and monitoring for VOC's at 17 locations.

Develop an odor response program and minimize risks.
Jesse and Jim worked closely with oil and gas complaints and jointly meet with the oil companies.
Establish how much this is coming from other states – Utah border on the west- given the prevailing west to east winds and south winds in Mexico – how much pollutants are imported. Before accusing industry or party of polluting the County.
Catastrophic events – Mount Saint Helens – and pollutants from cars in California.
Jim – doesn't point fingers – taking a look at what can be done.

PUBLIC MEETINGS:

BATTLEMENT MESA PUD – CONSIDERATION OF ACCEPTANCE OF CERTAIN PUBLIC ROADS AS COUNTY ROADS IN THE COUNTY HIGHWAY SYSTEM – CAROLYN DAHLGREN

Carolyn submitted the proof and returned receipts requested.
Chris Cole, Balcomb and Green and Lynn Shore, Vice President for Battlement Mesa Partners and Carolyn Dahlgren were present.
Carolyn Dahlgren submitted a memo that stemmed from a request of the Board to separate the Battlement Mesa road maintenance agreement and the inclusion of Sipprelle Drive and Spencer Parkway into two separate documents. She submitted these two separate documents – one is an agreement between the BOCC and Battlement Mesa Partners and the Metro District, the other is an agreement between the BOCC, Battlement Mesa Service Association and Consolidated Metro. A discussion was held as to the submittals.
Overall issue is that we were aiming to get road maintenance in the area – Spencer and Sipprelle Roads.
Commissioner McCown – a meeting on some problems in Battlement Mesa and this will bring to close the culmination of many hours.
Chris – insurance is reasonable and is a matter of a few hundred dollars. Insurance might escalate. Battlement Mesa will indemnify the County. Obligating the partners for carrying insurance into Perpertituty. The partners own thousands of acres and the County could be covered for any loss that they had.
Commissioner McCown – we are requiring insurance and we don't know what the coverage is. We are being indemnified.
Carolyn – indemnified for any design defects and anything that could happen within those rights of way – anything that happens on those roads. More concern with the flow of water and debris across the roads than we are anything having to do with automobile accidents – that's the big issue here because you are taking drainage structures into county ownership and there's no where else we've done that.
Commissioner McCown – this is just a part of the road that we are assuming and it has been testified to at this system, the drainage system is in good condition there are no problems other than an act of God, these will function properly at all times as they were designed.
Commissioner McCown suggested we waive the insurance and strike the requirement.
Don – tried to remember accepting improvements after the fact such as this. Similar to subdivision improvements – there we are part of the approval design. We accept roads in subdivisions; we accept the right of way but not the maintenance responsibilities. We don't provide maintenance of the roads either. But we don't have the HOA or develop provide us insurance. Originally these involved roads, drainage – weigh the risks – should you have insurance at all. It's occurred frequently – standard procedure – Board waives. Would rather approach this at to the risk and you deal with them the same as other contracts. Insurance is against a claim; this is unique however and suggested the Board weight the risks.
Commissioner McCown – we are assuming the open drainages, a box culvert and a metal culvert and those drainages outside of the right of way we don't have control over but the ones that we're accepting are the open drainages that are normally in any other roadway we might have in the county. Where it got is grey was when we also accepted the water, the cable TV, the irrigation water or whatever might be buried in that same right of way that we're not sure of, but it's outside, we're not accepting the responsibility for that and the insurance doesn't cover that because that is owned and controlled by a separate entity, so what we're talking about the insurance on would be if the design was flawed and a culvert was not adequately designed to handle the runoff during a normal event and it washed our road. This would turn into a very heated litigation on whether it was an event outside the control of someone, so negligence is not present and no one will win and we will have to fix the road.
Don – this is where the discussion shifts as to is worthwhile to even require insurance versus a unique provision and we require it but they can pull out of it and that's why I'd rather you focus on whether there's a need for insurance at all.
Public Notices were given to the Clerk and Recorder.
Chris Cole – Battlement Mesa Association has agreed to undertake all the maintenance, weeds, etc. and have an agreement in form that has been approved by the Battlement Mesa Services Association and they are the ones that have been taking care of that historically and overall the County Roads or any of the residents have any concern about the noxious weeds.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to accept the two roads Sipprelle and Spencer into the Garfield County Road system and the Chair is authorized to sign.
In favor: Houpt – aye; Martin – aye; McCown - aye
Second motion
Commissioner McCown made a motion to authorize the Chair to sign the agreement with Battlement Mesa Partners and the Metro District and authorize the Chair to sign that with the corrections noting regarding the insurance item. Commissioner Houpt seconded.
In favor: Houpt – aye; Martin – aye; McCown - aye

ANTERO RESOURCES – SURFACE USE AGREEMENT, TWO (2) PIPELINE EASEMENTS, PIPELINE PERMIT AND UPDATE ON ROAD BORE PERMITS – STEVE FONTENOT (ANTERO RIFLE OPERATIONS), SCOTT AIBNER (ANTERO'S SURVEYOR), JOHN

RHEINHEIMER (KAHUNA VENTURES, E & C CONTRACTOR), JAKE MALL AND CAROLYN DAHLGREN

Terry Dobkins presented the documents needed:

- GCRA Surface Use Agreement – Well Pad and Access onto CR 352
- GCRA Pipeline Easement – north and south of the well pad
- GCRA Pipeline Permit/License – north west & under runway
- GARC Facilities Pipeline Easement or Permit/License

Decisions needed:

- Easement ($10) or permit/license ($.25/$250) – cost, relocation
- If easement, quit claim or conveyance with special warranty
- Compensation for use of surface for well pad and access road

Carolyn submitted the agreements as described and stated the decision needed by the Board regarding these.

Antero Introduction

Directional drilling – County only owns the land and the various parties own the mineral rights.

Exhibit – Dever A Pad – multiple pads radiating around it. This is what they are doing. Plan to build a 2 acre pad and from it 12 wells over a period of time depending on the wells being successful. Come into the area and access it and drill a well. Plan to drill one or two wells and move the rig off, test it and find out the capability of the well. Move a rig back in and drill 2- 4 wells - complete them and put on sales. Then do another 4 wells. Initially plan to drill wells radiating out to the south. Using a 2 acre pad and the rig can handle – a closed loop drilling system, mud collected in tanks.

Work closely with the County and address the concerns with noise and road issues.

Shorter mass to comply with the FAA.

1 - Surface use agreement – Dever A Pad and Access permit on 352

2 - Pipeline Easement going N & S on the Airport property.

3 - License Agreement, part of the pipeline under the realigned and 352 realignment. Easement only.

4 – The corridor for the pipeline is close to the Road and Bridge shop and that's a larger discussion.

Well Pad

Carolyn noted this was in the packet called Surface Use Agreement and it says grant of easement. This is one of three decisions. County staff and Antero have agreed that they will not request of us any special warranty so this document will function as a quit claim deed where we are giving them an easement but in no way warranting title or any other kind of warranty in this document. Antero is willing to accept this from us. Paragraph 9 in that document will change.

Well Pad and Access road onto CR 352

Commissioner McCown commented that they are low on lease rights but about ½. $5,000 an acre is the going rate.

This pad is 2 acres.

Commissioner Houpt – is the compensation fair for the use of the property. This is up to debate.

Terry – value of the land and function to business, homes and becomes a negotiation Think they are paying the County fairly. Will do what the County thinks is fair.

Commissioner McCown – not asking anything – keeps the playing field level.

Chairman Martin heard $300 to $10,000 an acre.

Commissioner McCown suggested a $7500 fee and write it in.

Motion

Commissioner McCown made a motion to approve the surface use agreement and the grant of easements as described for the Dever's well pad, that would be the Dever's A well pad to be specific and that the chair be authorized to sign. Deals with the access road off of CR 352 and requires a driveway permit.

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

Pipeline Easement going north and south of the well pad

Carolyn - The Board had already directed staff to make this a true easement because it's not in the County right of way and the agreement had already been made that the cost to Antero is $10 per liner foot. We're looking for a motion from the Board if this can still be an easement and a quit claim deed at that dollar amount. And a grant of a 50 foot temporary construction easement and then within about a month of the construction of the pipeline we will get as built or record drawings and the easement will be down to 10 feet and it is to be buried to at least 48 inches.

Mildred asked that Antero makes sure that their vehicles are licensed in Colorado and all special mobile equipment is licensed as well including the workers on the project.

Carolyn noted that there is a document that Antero will follow all state and county applicable laws and regulations.

Mildred wants to make sure they are aware of this requirement.

Antero asked if a contractor was here for less than 30-days to do a specific job, does he need to be licensed

Mildred – if he's here less than 30 days no but if he comes in though a port of entry into the County then they will have to be licensed at the port of entry.

Commissioner McCown made a motion to approve the pipeline easement agreement and quit claim deed as presented with the numbers testified and alluded to earlier, $10 a foot and the length was 1737.06 feet. Commissioner Houpt seconded. In favor: Houpt – aye; Martin – aye; McCown - aye

3rd – Licensed Agreement - The northerly pipeline going under the new runway realignment will happen and issues with County Road realignment, calls it a license – fill in the blanks – see on page 2 – par 5 a and 5b – if they have to relocate if they had to abandon – at their costs and not charge them an administrative fee.

Dollar amount $.25 cents a linear foot; administrative fee similar dollar amount. Paragraph 8 – add in language for as built –
Special provisions – asking for signature authority understand the Airport and County Engineer – one more time. Motion
Commissioner McCown made a motion to approve the license permit to use Garfield County Regional airport land for pipeline installation with corrections made today adding the dollar amount of $.25 cents and the same administrative fee. Commissioner Houpt seconded.
In favor: Houpt – aye; Martin – aye; McCown - aye

4th – no motion today, just discussion.
Carolyn realized we didn't have enough information on the boot shape property and 333a not formally accepted – staff recommended creating that right of way and dedicate it as a county road right of way with utilities, Antero and under the usual road and bridge process.
Scott Aibner – under contract finished a new description of what's out there. Need legal descriptions in front of the Board.
Jesse – taking this in
Not today – Com Cor, dog pound, dedicated public right of way – need direction and Antero needs to tell us when they will be there.
Early April and get a road and bridge permit.
Shouldn't have to use the county road and shouldn't be on the road except to cross one.
Don – one question – use of CR's amongst staff – might want to use some portion as a staged on private property –
Bill – timetable – north of I-70 pipeline – working way toward these pieces. Through the discussions where this piece along the facilities property worked with Scott and located in a proper place – early in April fine. Equipment in mid April. 2nd meeting in April
Don – will come back with an agreement – needs BOCC thoughts and concerns – 175 foot right of way.
Scott Aibner – utilities not shown on this map have been verified but not shown on the map.
Construction easement – Antero asked for – the 50' easement.
Not comfortable with 175 foot right of way.
Don – bring back a drawing – agree with Larry but unfortunate already lines that are spread out.
If we don't make it a right of way – power company has requested we grant them an easement.
Commissioner Houpt requested they bring more detail back.

Citizens not on the Agenda

Katherine Bodell, a citizen made the same request that was made previously which was to have the EAB serve of the screening committee to hire the oil and gas liaison person.
Commissioner Houpt disagrees with the other two commissioners and feels that a team includes citizen reps and makes it a balance. Take all these comments under advisement.

Bob Elderkin – GVCA – two questions – 1) time frame to replace the gas individual; and 2) specific written criteria on how to select.
Chairman Martin – how questions are written, fair labor, job description, selection tem has to go through training – 8 hours on how to interview people – posing a question – citizens – should they go through the same amount of training. Harlan Hanson – senior executive and he participated in the process – he blended in with the selection committee.

LSC TRANSPORTATION CONSULTANTS, INC. – GARFIELD COUNTY TRANSPORTATION PLAN LSC 3045010

A T Stoddard and Randy Withee were present and submitted the memorandum and preliminary draft.
Randy Whitee submitted the memorandum from Albert T. Stoddard III, principal in LSC Transportation Consultants that describes the changes made in the draft plan. Attached was the list of projects for the 2025 Financially-Constrained Transportation Plan with the total cost of the projects on the list at $48,118,184. This includes $9.3 million in existing deficiency projects, $19.9 million in maintenance projects, and $18.8 million in future deficiency project due to the future growth in Garfield County over the next 20 years. Highlighted the changes.

Development Impact fees

Based today's costs and on future deficiencies
Improvements based on level of service standard
Incorporates improvement to County Roads and State highway intersections
Fees adjusted based on construction cost index
Fees for non-residential based on fee per trip
Divided the County into District – 3 different – east, central and west – beyond Parachute
Parachute, Rifle and Silt and New Castle – central area
East area – Glenwood Springs and Carbondale.
Sweetwater same costs as Carbondale.
Gas well Impact fees
Based on pavement life over 20 years
Damage to pavement by heavy vehicles for drilling
Suggested fee - $1477 per well
Adjusted based on Construction Costs index

County Action

Immediate – adopt transportation plan
Future

Traffic impact fee ordinance
Adequate facilities ordinance
Gas well drilling road impact fee program

Commissioner McCown –looking at the projected numbers on east benefit area and central benefit area I'm assuming those are based on projected home build out and are they related to existing permitted subdivision and projected or are these future subdivisions that will be built – where did these numbers originate?
AT Stoddard said they worked with the Building and Planning Department and looked at where over 20 years growth would be anticipated and so part of it was based on what has already been approved and then given the fact that building will be done in the next 20 years, where might that be – it's not too specific properties.
Commissioner McCown – the problem I have buying into this concept, the development that's taking place in the unincorporated portion of the County for all practical purposes is a fairly sparse basically rural development. Then we're seeing the development that's creating the growth in the County taking place in and around the towns and is being incorporated into them so those particular houses would have to come out of this equation.
AT – those did and they looked at the growth anticipated in unincorporated areas of the County, trying to project what could occur adjacent to an existing municipal boundary area and be annexed and not including those, what we have is a significantly reduced number from the overall growth within the county because a lot of that is occurring in municipalities boundaries. Those have been factored out from these numbers.
Commissioner McCown – and these impact fees would be applied at the time of building permit or how have other counties handled this when they initiate the impact fees.
AT – those are done in a variety of ways – at building permit is a common one- builders would prefer that its at the time of occupancy and a CO permit, others have done it with final platting, that's is your call.
Chairman Martin – this brings up another issue and that is the development that's already been approved and fees collected or imposed, would they have to change or stay the same? The other one is all those lots that have been created for a long time, are they still subject to this fee simply because they were approved, not having a fee in place and will this be a research nightmare if there's an agreement one way or another?
Commissioner McCown asked Don with the adoption of the transportation plan, are there encumbrances or liabilities to develop and implement that plan, financial obligations if that transportation plan is adopted?
Don – your current impact system addresses that, the short answer is yes because you're collecting fees; the rational nexus is to collect fees to offset road impacts created from growth and you do that under this plan based on specific capital projects that you anticipate needed to address the growth. If you don't address the growth, then the rational nexus falls apart for collecting the fee so you do have to establish a program to make sure that the improvements are built and the fees are repaid, which you do now.
Commissioner McCown – and this new transportation plan would be no different that the one we're operating under now where fees collected for a specific road must be used on that road and there would be a time frame for the application of those fees that supplied those fees would be paid interest back and that money refunded?
Don – no this plan is different in that respect it does not anticipate use of fees for necessarily for one road relative to a specific fee, my understanding is that was one of the reasons to use three districts in the County so that would have the ability to exercise discretion within that district. So if a fee was collected in a district, it would be expected to be spent in that district but not on a specific road.
Commissioner McCown – but there were only two districts that had a fee built into it – the east and the central. Should development from oil shale occur in the western district with no fee proposed or no development plan for that west, it would just be denied on that basis.
Don – you have two options – your facilities in place ordinance allowing you to do that or require the developer to do that or you can develop a plan – there's nothing to stop you from moving to that next district and developing the plan and adopting the appropriate fee using the same methodology that was done for the eastern and central districts.
Commissioner McCown – in developing this plan, how do we work with our good friends and municipalities that through approving annexations and increased densities impact our roads yet we don't have any input in that process as far as a fee or a clear impact to a road and in the Rifle area where the proposed growth has already been mapped on where it will occur and there are some clearly heavily impacted now from growth and will be on county roads yet it will be annexed growth that will affect the road.
Don – this is a planning and political process requiring IGA's between you and the municipalities after that staff of both entities have had a chance to discuss long range road plans and comprehensive plans.
Commissioner Houpt – on the flip side we've seen continued growth of County Road 117 or Four Mile Road and the potential for huge growth and yet that concern isn't included in this plan either.
Commissioner McCown –when they looked at the overall growth issues they looked at what was available up Four Mile Road for development and didn't feel it warranted the growth that the central part of the area has where they have vast parcels of land that can be developed. Four Mile is fairly restrictive on what can occur.
Commissioner Houpt – it's restrictive but it's over used.
Don – that goes back to the highlights of the presentation – the purpose of the fees are not to address existing deficiencies, that has to come from your road and bridge fund or other sources but it cannot come from impact fees. The other problem on Four Mile is that most of the projected growth is at the very end of the road and not in the middle of it. Most studies show that the percentage of traffic that goes up Four Mile versus downhill is miniscule based on those studies. This is only to take care of future impacts and not the current situations.

Commissioner McCown – we have a shortage of housing and the cost of housing and we know this will apply a minimum of an extra $3000 per household for that affordable housing network.

Conclusion:
Commissioner McCown – not ready to move on this today. There is a $3.2 million dollar deficit but it is projected to basically defray the cost over the next 20 years. That's what it's for. It doesn't take care of the deficiencies today. If people build where they are supposed to build and we charge the fees, this should take care of the bulk of those problems. The incremental problem is the key word. As people are continuing to annex into the town and taken out of our funding source, those problems, unless those roads go with them, we still bear the cost without the funding mechanism and looking at Antlers Orchard, Battlement Mesa, Chenoa, etc. that we're not going to be able to charge a fee because they are already on the book.
The decision was to re-set this as a Worksession and schedule at the next meeting for direction for staff.

PUBLIC HEARINGS:

ACCOUNTING – DISCUSSION OF THE 2ND SUPPLEMENT TO THE 2006 APPROVED BUDGET AND THE 2ND AMENDED APPROPRIATION OF FUNDS – PATSY HERNANDEZ

Patsy Hernandez and Carolyn Dahlgren 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.
Exhibits A – changes that have happened since the beginning of the year and personnel reports – new hires, increases/decreases in pay. Exhibit B – impact line by line.
Chairman Martin entered Exhibits A and B 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 2ND supplemental to the 2006 approved budget and the 2ND amended appropriation of funds.
Houpt – aye; Martin – aye; McCown - aye

PUBLIC MEETINGS: BUILDING AND PLANNING - COLORADO DEPARTMENT OF TRANSPORTATION THAT AUTHORIZES THE DEVELOPERS OF THE SUN MEADOWS SUBDIVISION TO MAKE APPLICATION FOR AN ACCESS PERMIT TO IMPROVE THE INTERSECTION OFO HIGHWAY 6 AND MILLER LANE – MARK BEAN

Mark Bean and Randy Withee submitted the material.
A letter to Dan Roussin of CDOT explained that the BOCC approved the Preliminary Plan for the Sun Meadows Subdivision, then known as Mamms View Subdivision by Resolution No. 2001-32. Condition No. 32 contains language requiring the developer to obtain an access permit at Highway 6 and Miller Lane, and that the improvements be completed by the developer. Therefore, the BOCC has authorized the developers to make application for a highway access permit pursuant to Section 2.3 (12)b of the State Highway Access Code.
Authorize the Chair to sign the letter. Commissioner Houpt so moved; Commissioner McCown – seconded.
Don – this brings to the discussion, state engineers – deficiencies – this is something we've worked around.
In favor: Houpt – aye; McCown – aye Opposed: Martin – aye

BUILDING AND PLANNING – MOUNTAIN CROSS ENGINEERING – CONTRACT FOR ON-GOING ENGINEERING REVIEW SERVICES – CHRIS HALE AND FRED JARMAN

Fred stated the Board approved the use of two firms, Resource Engineering and Mountain Cross Engineering on an as needed basis to review land use developments. The Professional/General Liability Insurance for Mountain Cross Engineering in much lower than recommended and therefore staff is asking the Board if these reduced amounts are acceptable to the Commissioners.
This is a risk management concern.
Don – the services for Mountain Cross would be for subdivision and land use applications. We are not risk managers – reviews a professional – claims premised on review of an engineer. The risk is the County's loss.
Commissioner McCown – not too concern.
Mark Bean – this is only temporary.
Don – the million/million is the coverage that they provide and it will be included in the RFP's.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to allow this to continue for Mountain Cross Engineering until June 30 and then it will be reevaluated.
In favor: Houpt – aye; Martin – aye; McCown - aye

BUILDING AND PLANNING – REFERRAL OF A SPECIAL USE PERMIT FOR A COMMERCIAL RECREATIONAL FACILITY FOR A PROPERTY IN THE ARRD ZONE DISTRICT – APPLICANT IS GILBERT RAMIREZ – FRED JARMAN

Barbara Ramirez – Amanda Mower – attorney for the applicant were present.
Fred Jarman submitted the Memorandum and explained that the Building and Planning Department received a Special Use Permit (SUP) application for a "Commercial Recreational Facility" which would be comprised of an equestrian training center, barn with stalls, and a straight horse racing track accessible to the public. The proposed use will take place on two adjacent 35 acre properties both owned by the applicant.
The owner requests to operate the facility to train different types of horses for racing. Access is by way of two access easements from CR 335 to the subject property.
Staff Recommendation:
Due to the challenges with the capacity of the physical access easement to the proposed use, the number of vehicles accessing the use, and the practically unlimited hours of operation and days the proposed use is being proposed, staff recommends the Board direct staff to schedule a public hearing before the Planning Commission in order to obtain a recommendation to the Board of County Commissioners.
100 vehicles per day on the weekends. Site visit last year with Road and Bridge – one issue is the access road 335 up to the subject parcel. Exhibits A and Exhibit B – very narrow road and needs a lot of discussion to accommodate the use.

A training facility and not subject to gaming regulations. It's not intended for every weekend, only in the summer – Memorial Day to Labor Day – and training every other weekend. Access road has been improved by oil and gas for access to their sites. Off CR 315.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to refer this to the Planning Commission
In favor: Houpt – aye; Martin – aye; McCown - aye

Executive Session – Discussion – legal advise or direction – framing a contract for building code compliance and review by the building department; funding for DA recall; advice on pipeline regulations; future consideration for revision on a pre-existing lot in Peach Valley lot; update on Pine Stone litigation; direction on the temp staff of the oil and gas and involvement of staff in the oil and gas commission and BLM's project; GAP projects in Rulison and Battlement Mesa.
Mark Bean, Jesse and Ed – may need to contract Mike Matheson – temporary oil and gas liaison
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:
Clarification of Application of the Garfield County Pipeline Regulations
Mark Bean and Don DeFord presented.
There are 2 issues; number one – is how to calculate the length of appropriate pipelines that cross a number of jurisdictional boundaries. The issue is you have a pipeline that runs for a certain length from point A to B portions of that line lie in the County, other portions lie in BLM or municipal boundaries. Do we count the length of that's required by our regulations based solely on the amount that's in Garfield County or do we count the full length of the line and then apply our regulations only to the portions of the full line that will lie in Garfield County.
Commissioner Houpt - Count the length of the continuous sized line from Point A to Point B, no matter who's jurisdiction and then apply our regulation that would be the portion only in Garfield County.
Commissioner McCown seconded.
Chairman Martin - The overall length of the pipeline but only count that portion in Garfield County in accordance with our regulations.
Don tried the motion again – the regulation that would seem appropriate would be to count the length of the line of a size that fits our regulations from Point A to Point B regardless of the jurisdiction to determine the length of the line but apply our regulations only to that portion of the line that lies in Garfield County.
Commissioner McCown - If this line meets the length and definition on one size but doesn't on the other, its got to be the like size in order to qualify for our regulations. The example being used was 4" feeder lines onto a 12" line that is only one mile long; all of those 4" feeder lines do not qualify and make that 12" line of a legal length to be required to be permitted.
Don said this will be his next suggested motion to the Board.
In favor: Houpt – aye; McCown – aye Martin – aye
Calculating the Length – second motion
Don – the length of line because of intervening or intersections of lines and what we'd be looking for is approval of the Board to apply our pipeline regulations calculating the length of the line as the continuous length of line of the same diameter that meets our regulations ie.12 inches has to stay 12 inches and that's how we determine the length of the line at any point where it looses that diameter, and we do not add that to the length.
Commissioner Houpt so moved; Commissioner McCown seconded.
In favor: Martin – aye; Houpt – aye Opposed: McCown – aye
Commissioner McCown couldn't support this motion because the overall length of that pipeline could be over 5 miles long and the minimum size doesn't matter.
Don – that's what we asked because that was part of it and my understanding was the Board wanted to change calculation on length at every point where it changed size.
Commissioner McCown – that's why I wanted that in the first one discussion but its Point A to Point B on that first discussion.
Chairman Martin – it remains the same size.
Commissioner McCown – reiterated if this line starts our at 4" at a well and it runs a mile down and it picks up 3 other wells at 4" and three other sites and goes another 2 miles and runs into an 8" line and then it goes another 3 miles of 10" line, there's 5 miles of pipeline there but it is all going to be constructed at one time. When they come in to apply are they going to apply for these 4" lines that gather the wells which don't require an application?
Don – actually my understanding is that this wouldn't be 5 miles and thought that's what you wanted to do. Every time it changed diameter treat it as a new line.
Commissioner McCown – okay.

Oil and Gas Local Designee
A motion was made to change the local designee from Mark Bean to Jesse Smith and report to State for the interim or until we appoint another one.
Commissioner

Discussed the funding for DA recall
Don – no board action publicly at this time.

BLM Gaps
Jesse deliberative documents – BLM need

Commissioner Houpt made a motion that we finalize comments and submits them over for John's signature. Commissioner McCown seconded.
In favor: Houpt – aye; McCown – aye Martin – aye

Meet with Town of Palisade
120 W. 8th 5:30 – 7:30 – March 30th.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

APRIL 3, 2006
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 3, 2006 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

- ***Human Resources-Request for Part-time Person, "Assistant to the Controller" (25 hours/week, Grade 4, Accountant II position) in Finance Department-Patsy Hernandez***

Patsy discussed the following topics - Inventory Control, Asset Management, Purchase Orders and Project and Grant Accounting. She requested that the Finance Department be allowed to add a part-time (25 hours per week), Grade 4, Accountant II position to the team. The working title for this position will be "Assistant to the Controller."

There is a need for the County Controller, Bob Prendergast to cross train on duties outside his general areas of responsibility. Having a support person will allow him to delegate some of his duties, allowing him to cross train and provide back-up to other senior finance staff members. This person would also be able to provide occasional support to the other accounting staff when their workloads are particularly heavy.

The total cost for 2006 will be $19,240.00. This will be less than 30 hours per week.

Ed said this is a good fix. Bob will eventually be cross training with 8-19-00 listen

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the part-time as assistant to the Controller and the cost in 2006 not to exceed $19,240.00.

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

- ***Road and Bridge-Personal Use of County Vehicles Policy-Patsy Hernandez***

Garfield County currently has a policy in place indicating when an employee checks out a vehicle from the Motor Pool to drive ie to Grand Junction for a meeting and then returns the vehicle. Personal use of that vehicle is never allowed. There is currently no policy in place regarding personal use of a County vehicle that is assigned to a person on a 24-hour basis.

We need to have a financial management policy in place that addresses employee use of a company car that is assigned to him or her. Included with this memo is information from the IRS which explains the various methods for determining how to handle the tax implications of personal use of vehicles.

Pasty recommended that Garfield County utilize the "Commuting Rule." Basically this rule states that if our employees use a County vehicle for business only but are allowed to commute to and from work in the vehicle, we must add the value of the commute to the employees' taxable gross income at $1.50 for each direction, according to the IRS.

The IRS rule addresses the following vehicles: Vans and Pickup Trucks and Law Enforcement Officer. The rule addresses Cents-Per-Mile Rule; Commuting Rule; Lease Value Rule; and the Annual Lease Value.

This will begin on April 1st.

Don DeFord pointed out that in reading the community rule in order to qualify and use the $1.50 a day they have to carry at least 3 people in the vehicle per day. Patsy stated her take on this would be if there was a van pool. Patsy will research this.

Don – if you approve this – they will become your responsibility from the time they get into the county vehicle. Calculate their daily work rate.

Commissioner Houpt requested that Patsy work with Don.

The Board held this matter over until research is completed.

- ***Roaring Fork Outdoor Volunteers (RFOV) at Lyons Pond (April 29, 2006)-Steve Anthony***

David Hamilton and Steve Anthony were present.

The Roaring Fork Outdoor Volunteers have organized a volunteer work day for April 29, 2006 at Lyons Pond, CDOT Rifle Rest area and have enlisted many partners including CDOT, The City of Rifle, LOVA, the Chamber of Commerce and Trout Unlimited.

Staff is requesting that the County sign as an official partner for the event and that the County allocates $500 to help publicize the activity via newspaper ads and a flier. This would come out of existing Vegetation Management funds.

David stated this is the first project in Garfield County in their 11 year history. The Tamarisk and Russian Olive is so prevalent along the Colorado River and the ponds.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown that we become an official partner with the Roaring Fork Outdoor volunteers and that we allocate $500 toward the project.

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

- ***Building and Planning-Request for a budget supplement to hire a Building Inspector-Mark Bean***

The Building Department is presently taking between 20 – 25 business days from the time of submitting a set of building plans to the time that the permit is issued. The reason for the time period has to do directly with the number of building permit applications being submitted to the office. As of 3-29-06 there are 24 applications in the office and Andy says he moves them out on an average of 1.5 a day. This puts the newest one out the door in approximately 16 working days. Having one more person to do plan checking would reduce that time down to less than 10 working days once they became proficient in reviewing the plans.

The proposal before the Board is to hire an additional field Building Inspector and then have the two Building Inspectors on staff now alternate weeks doing plan checking.

The proposed budget does not include an additional truck at this time, since the plan checker would work out of the Building & Planning Department office. However, if the new individual needed to check out something in the field, they would need to arrange a motor pool car. If it became a problem we would need to make an additional vehicle available to the Building Department during busy inspection. The estimated cost of this position would be $38,391.36 for 2006.

Jesse stated they were planning to rid of a vehicle this year and suggested holding onto that old vehicle to experiment with all of this.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize Mark to move forward with the attempt to hire a new building inspector and make the necessary moves within his department to get the plans reviewed and out in a timely manner.

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

- ***Resolution to recognize April 23-29 as Garfield County Crime Victims' Rights Week***

Ed presented the request from the DA for the National Crime Victims' Rights Week in April 23-29, 2006. The 9th Judicial District would be honored if the Commissioners would sponsor an official resolution to recognize the week of April 23 – 29, 2006 as Garfield County Crime Victims' Rights. A Proclamation was attached.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to sign the Resolution making April 23 through April 29, 2006 National Crime Victims' Right Week.

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

Letter of Support for Tim Gomez-The Corner Café

Tim Gomez submitted a request to the Board for a letter of approval from each property owner to take to the Glenwood Springs City Council for a license to encroach. Tim stated that he plans to serve the same menu as Shane Eagan and will be operating Monday through Friday from 11:00 a.m. till 2:00 p.m.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to write a letter of support for Tim Gomez, the Corner Café to the City of Glenwood Springs.

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

COUNTY ATTORNEY UPDATE – DON DEFORD

- Executive Session: Litigation Update and Legal Advice

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.

- ***Consideration/authorization for Chair to sign letter re: temporary easement over property owned by Estate of Roger M. Dixon***

Don submitted a memo to the Board for a request for the release of a temporary construction easement granted to the County many years past. The easement actually expired April 30, 1983 and therefore Don prepared a letter of disclaimer by the County to satisfy his title insurance company.

In this case the only thing being requested was a letter.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt that the chair be authorized to sign a letter relinquishing any easement rights that the County may have as noted in the Attorney's presentation.

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

- ***Consideration/approval-MOU-BLM Cooperating Partner for Oil Shale and Tar Sands Leasing Development-Jesse Smith***

A letter was submitted from Ted Murphy, Group Manager, Solid Minerals Group and a copy of a draft MOU between BLM and the State of Colorado as a Cooperating Agency on the Programmatic Environmental Impact Statement (PEIS) for Oil Shale and Tar Sands Leasing. The key to the cooperating agency relationship is negotiation of an effective MOU that describes each participant's role and how we will work together t pursue sound land use planning on the public lands.

The purposes of the MOU are:

- To designate Garfield County, Colorado as a Cooperating Agency in the PEIS/PA process.

- To provide a framework for cooperation and coordination between BLM and the Cooperator that will ensure successful completion of the PEIS/PA in a timely, efficient, and thorough manner.
- To recognize that BLM is the lead agency with responsibility for the completion of the PEIS/PA and the Record of Decision.
- To describe the respective responsibilities, jurisdictional authority and expertise of each of the Parties in the planning process.

Don pointed out several concerns and stated he needed some direction from the Board.
Discussion included:
Commissioner McCown – concerned about BLM property values.
Commissioner Houpt – the impact on neighboring impact on values.
Commissioner McCown made Tresi aware that the entire valley floor has been purchased by the oil and gas land owners. And if your concern is a small parcel holder I don't think you'll find anyone in this valley. They are the private land holders and oil and gas has purchased most of that land.
Commissioner Houpt would like to see a map because of the impact to neighboring landowners.
Ed said Under B4 in the memo that the cooperator will prepare technical analyses or provide data sets; Garfield County will provide the following technical study in support of the Oil Shale and Tar Sands Resources leasing PEIS?PA, within the attachment B.
Commissioner Houpt would like to include the current studies being conducted, Page 3.
Jesse – the hydrological study would not be baseline to this.
Chairman Martin – air quality would be using the baseline study.
Mark – numerous studies were done for various projects. EIS and impact processes.
Don – studies as part of the study, staff find these or use the current ones.
Commissioner McCown – this would be BLM's responsibility. AG&C will be a partner.
Randy Russell should be involved,
Commissioner Houpt – another point to raise is in 5F where it talks about management of information, last sentence, "Cooperators agree that in order to allow full and frank discussion of preliminary analysis and recommendations, meetings to review such pre-decisional and deliberative documents will not be open to the public." Just wondering if we could get more information from them at what point that changes and at what point will we be deliberating in the public forum.
Chairman Martin – that would come down to the decision makers of the BLM – we ran into this particular issue, it was in the other agreement, almost verbatim. We had open meetings after we had everything exchanged and the information exchanged. All the draft documents, etc. all emails were discussed as preliminary and not to be released out to the public, etc. We had quite a discussion with Mr. DeFord and Mr. Bean.
Don – the key to this whole paragraph is what is a draft and what is decisional. You remember we had some problems with the joint agency meetings because it called for the Board of County Commissioners to actually make decisions in order to give direction or take a position and so those ended up being public meetings. As long as BLM understands again that this is a decisional process for you then this language is still okay. The deliberative process and deliberate document exception is recognized both in the open meetings act and the open records act for Colorado so when you receive a document stamped DRAFT to read, review, and discuss without making a decision, that is something that can be held in confidence and here is what they are requesting. Be careful about what a decision process is and what isn't and we just watch this as we did the last time.
Jesse talked to Sherri Thompson to get an extension of the deadline; she is back in Washington this week meeting with BLM trying to get the timetable extended so that it's not as tight and compressed and it's going to have tight deadlines on turnarounds.
Chairman Martin – The Roan Plateau they continued to get continuances by information that was being researched.
With the blanks filled and after the discussion, the Board felt comfortable to sign and become a cooperative agency.
Commissioner McCown so moved. Commissioner Houpt – seconded.
Don asked for clarification on the last attachment C – it's my understanding that this will be completed primary representative Board of County Commissioners backup representative Jesse Smith and Randy Russell. And on Page 2, 4B – it is all right if we leave it the way it is currently drafted under 2A; it seems to cover all of our current studies.
Board - yes. These are covered under the socio-economic studies.
The same with 4 on page 3 – Board – yes.
Don will prepare and send it to them. Clarification was made that Sherri Thompson is in Washington and is Jesse's contract but not available until next Monday. Don will contract her and see if she will fill in the blanks or if she can send it to Don in a format they can make changes.
In favor: Houpt – aye; McCown – aye; Martin - aye

Executive Session: Litigation Update; Legal Advice - Claim and update on litigation BOA – direction on litigation pending in front of OGCC – 1) status on moratorium and 2) Williams on increased
A claim forwarded to Don by Ed; update on litigation in front of the Board of Assessment Appeals; Direction on litigation pending in front of the Oil and Gas Commission covering two topics: 1) status on the moratorium case and the Williams Energy application for increased well density in the Rulison area. Carolyn – 2) Brian from the Airport to discuss contract negotiations/scope of services with the Airport issues and land use code; and 2) an amended to Barbara Green's contract and 3) we will need direction publicly and 3)) legal advice regarding title to county owned property at the Airport.

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:

Williams Energy

Don stated that previously the Board has given him direction to file an intervention in the matter of the application of Williams Production for an order establishing well location and setback ie increased density in an area that lies very roughly between Parachute and Rifle north of I-70; the Board has now had a change to review more information in regard to that application and after reviewing that, the question for the Board is does the Board still want Don to pursue intervention, keeping in mind that this must be filed by the 10th of April in anticipation of the April hearing on this matter.

Commissioner McCown stated he had the opportunity to meet with three representatives of Williams on Friday and they presented the map and gave additional information on the this particular application, the fact that they have surface use agreements in place with all of the landowners involved, the fragmented nature of this permit, it looked voluminous when we looked at the legal descriptions at first. Therefore I have a hirer level of comfort than initially when I supported the intervention. I think it's primarily an infill application and an extension of existing permitted areas that they have on the north side of the river adjoining some major landowners, energy companies and some private landowners that hold large parcels of land in that area. I could support under this circumstances withdrawing this application; I think there's another application that will be coming later in the Spring, early in the summer that would involve activity on the south side of the river that we will need consideration review and information on before we take a position on it, but after seeing the map and talking with the individuals I have a higher level of confidence.

Commissioner Houpt – the map does indicate a lot of in full, my concern is and it is a nagging concern and that's there be more thought be put into the spacing issue because technology is really dictating what kind of spacing can occur now. Williams has technology to allow greater spacing and I'm not seeing that being illustrated.

Don – commented on Commissioner Houpt's comment. We have entered into a contract with Mike Matheson of Plateau Environmental Services to start conducting review of applications in the oil and gas and providing information to the Board regarding that application. He has the technical background and experience to address the issues that you just raised. Unfortunately in regard to this specific application and decision is within a week and it has to be made withdrawal or not. Subsequent application, Mike can provide the type of information you are looking for but he has not had the chance to review and comment. Chairman Martin – the decision lies with this Board either to continue the intervention or to remove that.

Commissioner Houpt – if we continue our intervention will Mike have the time to review the application on the spacing issues.

This goes to a hearing on the 24 and 25 of April and this leaves him very little time to prepare for this matter.

Commissioner McCown said the applicant indicated to me that with the 2 new rigs they have been able to achieve 16 wells on one pad and that would allow a quarter section spacing and because of the cost of mitigating the stormwater runoff of the roads leading to and the drilling pads, it's become a quite cost effective to achieve that kind of density on a well pad when they can and doesn't think there is a real eagerness to drill at 40 acre spacing when they can drill at the higher spacing. This application may allow it, there's nothing to say that they have to drill it at the spacing approve, it just allows it to go down to that density and nothing to prevent in areas where there are not well from going to 160 acre spacing and where there are current 40 acre spacing going back in on those locations and drilling a greater density from those existing locations.

Commissioner Houpt –this makes sense but wants to see the wording on commitment to larger spacing when it's becoming able to do so. By intervening we have the opportunity to do that openly and formally and maybe judging from the response Larry got from his meeting with Williams that won't be necessary in the future and made quite apparent in their applications.

Williams will be meeting with Tresi and Commissioner McCown felt she would leave that meeting feeling a little more comfortable.

A motion was made by Commissioner McCown to withdraw our intervention on this particular application and reserve that for future applications forthcoming. Commissioner Houpt seconded for discussion.

Commissioner Houpt – not comfortable because we haven't had the opportunity to have it reviewed technically and I still have the spacing language concern.

Chairman Martin – thinks they are legitimate concerns as well but we also need to proper technological assistance in addressing them and we don't have that yet and this decision will lie upon us.

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

COMMISSIONER REPORT

Commissioner Houpt – Oil shale meeting as well; I-70 coalition meeting on Thursday, a meeting with Shell on Friday; and CCI meetings.

Commissioner McCown – Tomorrow is the Oil shale in Rifle 4 – 7 on Tuesday at the Fairgrounds and Wednesday in Grand Junction; Thursday Assoc Governments of Northwest Colorado in Palisade.

Chairman Martin – Thus – 30th - a roundtable with Palisade also Delta, Mesa, Cedar Ridge, DeBeque, Grand Junction, Glenwood Springs, Silt, Rifle, New Castle and Garfield County – great exchange of information – maps were exchanged – ideas were exchanged and Tim Sarmo did a good job. A quarterly meeting was suggested for these groups to come together. Jesse presented the information, what we had gone through, and our studies, where we are heading and backed up by Ed Green. John was approached to assist as the Garfield County Commissioners of getting in Anita Witt into the "Cowgirl Hall of Fame" – she has trick riders, roping, she has lived and breathed being a cowgirl all her life, she is qualified but needs letters of support and endorsement and hoping we can not only do it with Garfield County Commissioners but also all the other local governments as well as getting hold of our federal representatives because it is

quite an honor to be in the Hall of Fame. John Martin will be working on it; send it to him and work on by summer and get her in. She sings as well.
Ed stated the Relay for Life is looking for volunteers to participate – July 14th – 6 pm on Friday – 18 hours, an organization at 1:00 on Wednesday here.

IRS Rules Regarding Cars taken home at night
Jan Shute and Patsy Hernandez presented the statement in the commuting IRS 15B regulation regarding employers guide to benefits for employees who drive vehicles from their home to their place of work and back. The theory is that these employees receive a benefit of free transportation and should pay taxes on it at a rate of a charge of $3.00 per work day for this privilege and will be charged to the employee's income each month. The tax is about $1.00 per day.
Commissioner McCown made a motion to approve the personal use of County vehicle and approve the policy as presented and the bold verbiage and the $3 fee added to each employee that it applies to. Commissioner Houpt – seconded adding this begins April 1, 2006.
In favor: Houpt – aye; Martin – aye;

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Building and Planning – Willow Creek Village Subdivision - Authorize the Chairman to sign the Amended Plat for Lots 9 and 10, Block 7. Applicant is Carlyle Kane-Stevens Trust-Fred Jarman

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – e, absent b & c; carried.

REGULAR AGENDA

Public Meetings

- ***Approval of Purchase of Service Agreement-Fair Concert-Colorado West Promotions-Gabe Chenoweth***

Jesse – this is the same as last year. The Fairboard will be assuming a $5,000 risk and will share in the profits. The agreement for the Fair Concert by Colorado West Promotions, Gabe Chenoweth with KMTS, was submitted. The contract shall commence March 27, 2006 and shall be completed by the 12th day of August 2006 for a contracted amount not to exceed $35,000.
Carolyn – some changes to the agreement were made and asked that Chair be authorized to sign with the changes made on the updated form. New documents will be provided to the Board.
Jesse said there is a time line as Colorado West Promotions has already contracted for two acts and needs to lock down the dates.
Carolyn - Change Exhibit A and fill in blanks
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the purchase of service agreement with Colorado West Promotions with change noted by the County Attorney and that the Chair authorized to sign the latest and greatest form once we get it.
In favor: Houpt – aye; McCown – aye; Martin - aye

PUBLIC MEETINGS:

- **CONSIDERATION OF A REQUEST TO EXEMPT A PARCEL OF LAND LEGALLY CREATED AND EXEMPT FROM SUBDIVISION FOR THE GUCCINI AND TRANT PARCEL LOCATED IN PEACH VALLEY OFF CR 214. APPLICANT: GUCCINI AND TRANT-MARK BEAN**

Neal Goluba and Mark Bean were present.
Trying to clear up a piece of property – the issue is they are trying to get a well permit and need a statement on the legality of the lot.
Mark said the issue for Mr. Goluba's client is they are attempting to try and get a well permit and the State will not issue that unless some kind of statement from the County regarding the legality of the lot itself. The Board has some broad authorities under the definition of exemption in the State statues to exempt certain activities or splits of land from the definition of subdivision, Don and Mark and Neal all agreed this is very unusual and that to accomplish what the clients need and official action from the Board, Mark suggested to deal within the statutory authority with the Board.
Neal explained the issue that there was never a deed recorded to the school for the property. There are several recorded documents that reference this parcel as being owned and used by the school district. The county road runs adjacent to this property, directly to the south, at some point the applicant's predecessors in ownership obtained property below the county road as well as the subject property above the county road, at that point it was two separate parcels – the school parcel and then a parcel mostly below the county road but also had property on the other side of the county road. At some point another predecessor of owner that had both parcels did a boundary line adjustment so that one parcel would be above the road and the other below the road. Historically the school property was only one acre, but after the boundary adjustment, two acres added to it to make a 3 acre parcel. The issue is the predecessor in interest that obtained both properties on both sides of the road got a deed from the holder of legal title as well as a quit claim for the school district for the school property so the title seems to be covered by both of those conveyances and the problem is no record that there was a separate parcel there so when the boundary line adjustment they actually had the right to create two parcels. This is what is before you now – try to get a Resolution saying there was a separate parcel that was a school parcel so making the boundary adjustment legal and correct.
Toby Guccni backed Neal up on everything that was stated by Neal.
Chairman Martin – I looked at this property when both the south side and the north side were together being sold as one unit, the real concern was the pasture to the west and how to get there, a small section had a shared use agreement on an access. Mr. Murr at the north end, an unusual piece of

property this was cut out. Book 1025 Page 129 and looked at it which cut around the one acre space for the school and it divided the pasture. All my questions were answered by the research he did.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution recognizing parcel of land legally created and exempt from the subdivision for Guccni and Trant.

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

WORKSHOP ON TRANSPORTATION PLAN

Marvin Stephens and Randy Whitee were present.

Concerns on obligations if we adopted the plan given the assumption that impact fees will be charged; certain years for certain projects.

Personal fears – significant studies – don't see the new development in unincorporated to support the revenue this plan.

Town has annexed these parcels of housing and growth to support infrastructure. If we adopt this today – Don's interpretation not to any pre-approved subdivision, this would be for any new and future growth and looking at the numbers in the rural roads, can't see the revenue sources to support this fund. By implementing this and the impact fees will drive up the cost of housing in the unincorporated GARCO County. Doesn't want to approve this today. Burden future BOCC with the transportation plan.

Commissioner Houpt – roads and the patterns of growth will determine how the plan will go forward. – relates to future land use before us. Asked a question about how the county interacts with municipalities and the CR 117 – whether there was consideration given to ease the impact and the answer was no – this was an existing problem – one thing we need to look at is interaction between the cities and county and there has to be someway to plan for shared costs. As far as impact fees go, agrees with McCown that it won't cover the impact of roads in the future. But we need to establish a plan that would be for an impact fee and plan for the anticipated growth. We need a system in place.

Ed – provides a mechanism for people to pay their share – it's a start to contribute to the costs.

Commissioner Houpt – more pro-active with businesses to help people with housing. No need to fund infrastructure.

Commissioner McCown – this is more regional and could see someone in Divide Creek paying $3500 and no Mag chloride on their road and they will wonder how this regional approach is working and the same with Battlement Mesa and then that money be transferred to do some significant work in another area.

Ed – these are collector roads to feed into I-70.

Impact fee is for new development.

Chairman Martin - One-time impact fee is minimal – increase development – increase your overall area – get 17%/

Commissioner McCown – the industrial application - $1500 for each gas well. Looking at 400 wells from Williams – are we going to have the same cooperative effort - $600,000 – could be used anyway.

Ed not a lot of contributions – as the field gets larger we need to have a fee structure in place – not able to affect those offerings.

Don – starting to see drilling by multiple drilling companies; EnCana has contributed to improve roads but Barrett has not.

Larry – we just submitted a wish list to BLM last week for EnCana on their BLM permitting that would probably range well over $ 3 million. We can cancel of those requests in the future because if their request is for 200 wells times $1500, they will pay their $300,000 and say have a nice day.

Jesse – we currently have four projects on the boards that are being funded by Oil and Gas Companies, one by Barrett, one by Noble, one by Williams, and one by EnCana and Noble combined. Barrett just came forward on one saying they are willing to pick up part of the cost on Dry Hollow Road if we'll upgrade that road.

Commissioner Houpt – this wouldn't cancel that out, this is more of an insurance policy to have a system in place to have moneys collected for the impact, but we have impact fees now that we negotiate with developers on and we waive either all of them or a percentage of them if they bring more to the table.

Don – with Spring Valley was an example of that where they could do several million dollars of road improvements and we're waiving the impact fees.

Commissioner McCown – several on Four Mile Road as well.

Marvin – keep a good working relationship with the oil companies. Weigh restrict the roads is a possibility if we're not getting the help we need.

Commissioner McCown – enforcement of weight restrictions and have to do it for all; gave an example of cattle and overweight restriction, so this has not fairly enforced for lack of enforcement. Finding the balance is the key.

Marvin – letter of commitment to help us repair; they just started in the last 6 weeks of videoing the roads before they move and after they move and that will help a lot.

Jesse – is the Board amendable to impact fees and if a company comes forward and voluntarily said we will upgrade the road we would be willing to divide that cost by the cost of an impact fee and say you're got a credit for this many wells.

Commissioner McCown – not sure you heard the Board say that but that's how it's been applied with developers especially if it exceeded what the impact fee would be for that particular drilling plan. Doesn't think we could treat it any differently that we do a land development.

Randy – this gives the board that option.

Commissioner McCown – the concern is not that the oil companies couldn't pay this, my concern is what is will do to the overall price of housing in the county, it will raise the price by that amount, whoever the developer is will pass it on – this fee will be incorporated.

Commissioner Houpt – if no impact fees – who should bear the cost of growth and development? Where the growth is coming from and we only tag the developer.

Commissioner Houpt – if your developers are truly the only ones that are creating the problem, maybe at the time of development is applicable, but who addresses the Wal Mart or the schools or all the biggest

employers in the county. That's where the growth is coming from; filling those jobs and the only people we tag with the bill is the developer who's providing the housing because that's the only mechanism. Without the jobs there would be no people.
Commissioner Houpt – we are looking at how to defer the cost of building a new road so it is directly impacted by where a development is situated.
Commissioner McCown – we can clearing do as our neighbors to the south and to the east have and make building so cost prohibitive and so erroneous that no one is willing to do it and move the problem to other counties and then the growth won't be occurring in the county. That's what's happening in Eagle and Aspen and Garfield County is getting all the growth and we're paying to house their workers and transport their workers to and from work everyday. We don't have any mechanism to address their growth.
Chairman Martin commented that the downside of letting the infrastructure deteriorate is safety and if we address safety issues, but it would address safety issues in the same way that it would limit the growth and limit the areas of growth if you allow it to deteriorate it to some degree. There are many times when we go down county roads and you could hardly make it and you had to go 10 – 15 mpr and beat your truck to death, but there was only one house at the end of the road and now we've made it nice, smooth and fast and it's 40 mpr and there's 50 homes up there. It's a give and take and what do you want? You want to live in a rural area in the outside of the city limits, rural living and there's a different style of rural living instead of trust fund your living which would happen to be all the amenities within a municipality at your beckon call and your roads perfectly smooth and clean or live in the rural setting and that is put up with what you've got.
Commissioner Houpt – we don't have to approve the application for a huge housing development but if we do I think we need to have some kind of impact fee in place to help the County defray the cost of establishing that.
Commissioner McCown – we do already and we can assess that particular housing development and I don't have a problem with that but that's been the only ones we can get our arms around. The Antler's Orchard and all of the ones that have been approved in the years, Missouri Heights, that's all pre-approved land use so those people would be immune from paying that impact fee so you've got the cumulative impact on those same roads and you've got somebody that comes in with a 4-house subdivision that's gets hammered with $12,000 in road impact fees, well all the cumulative impact coming down from above on previously land uses are not paying anything for that – you've got the guy at the bottom on this hill paying $12,000 because he comes in with an SB 35 exemption on this property. That's the problem. If we have someone come in with a 500 unit subdivision, we got them, we can deal with them, we can take care of the impacts, we can require that they improve the road to a level we want, but the little guys on the pre-approved land uses that are doing the building and the cumulative effect over 10 years where that's all in filled out there, we have no recourse. That's the county's responsibility with whatever existing funding mechanism is there to provide that quality of travel or level of service that they're going to need.
Chairman Martin – we can increase the mill levy but that would be a hard sell. The current rate is $10 on a thousand. The people get their Tax notices from Garfield County and really never look at what portion is Road & Bridge's share of that tax.
Randy Russell – impact fees - dilemma – study does assume the level of service will deteriorate – things will get worse and the study suggests a safety level – no perfect solution – same thing with affordable housing.
Commissioner Houpt – wants to bring the municipalities into the discussion.
Commissioner McCown – last time, CR 293 – drops into Cottonwood and East 7th by the growth occurring in the end of Rifle. Problems – impacting our roads. We can comment on it but we can't stop it.
Commissioner Houpt – we also impact the municipalities so we need to all get together as we finalize some sort of method for planning and funding the future.
Commissioner McCown asked Don where we will be if we adopt this Transportation Plan without the impact fee.
Ed said it would be toothless.
Don – that the jest of the whole study, the heart of it that there are two critical elements to it – the adoption of a comprehensive capital improvement plan and the impact fee to partially address the capital improvements plan. It may be a misnomer to say that you would adopt the study and I'm looking for direction on what or parts or all of the recommendations you wish to implement because there are certain recommendations on impact fees that will require additional regulations. If you don't go forward with impact fees, what portion of the study do you want the Staff to proceed?
Commissioner McCown – another point, something of this significance is that Planning and Zoning should have a look at this. We send them a lot of things that aren't as critical to the future on land use issues in the County as transportation problems.
Mark – they have it and are aware.
Don – to formalize the process and what would normally occur on something like this is you look at the recommendations, the Board of Commissioners would give directions to staff as to what parts you wish to implement, the Road and Bridge Department, the Planning Department, the Legal Department would put together draft regulations and see if that is something that you wanted to forward to the Planning Commission for their consideration and that's in the formal process and how it would normally go to the Planning Commission. Then they could either say we recommend it or we don't and at the end of the day the Board of County Commissioners would say we're going to adopt these regulations or not.
Marvin – if the Mill Levy was increased what would it do to this?
Chairman Martin – it would take care of your deficit or your plan, however you increased your mill levies and where you directed them to go. You collect a certain amount of mill levies and it's distributed every year where it's needed. You would increase it or increase the overall mill levy that you could do with what money is collected, ie 5% to 15% and then take care of your deficits.
Commissioner McCown – it would be much broader that this, it would be levied on all of the users if they are property owners, not just the new users. But it would also have to be voted and approved by all those existing users.

Don – it might go to the voters and it might not. Depends on how much you wanted to do and what the rest of your budget could take; remember we shift revenues among the statutory funds and alter mill levies on the theory that the County really has one total mill levy comprised of a number of them so that if for instance the general fund could take a reduction in its mill levy you could apply that to the Road and Bridge Department. The great draw back to the Road and Bridge fund is you have to raise the mill levy to generate $2 for every $1 that you get as a municipal revenue sharing.
Chairman Martin – my comment was that we would increase the overall 13.66 mills and you would increase that to whatever you needed and increase that for whatever you needed on road and bridge, would be another 5 to 6 mills on top of that to get your revenue so you can meet your deficit. I'm not in favor of that but that is one remedy and that would take a vote of the people.

Commissioner Houpt and before we did that we would really want to see the numbers analyzed because our revenue is pretty healthy right now and it would perhaps be a difficult sell the mill levy when we have so much oil and gas activity going on.
Commissioner McCown – yeah but you could drain our fund balance on two roads in one year and not build 7 miles of road. As healthy as they are, the cost of doing new business is horrendous and the maintenance is where we're getting behind.

Commissioner Houpt – we need a growing budget for Road and Bridge and if we're not ready to accept or adopt impact fees today we need to give direction to staff to look at these other options and analyze the moneys that can be generated and what we would have to collect.
Marvin – we have a growing budget just with the price of fuel and asphalt.
Commissioner McCown – given the 3,000 gas wells that we have producing in Garfield County had we been collecting this fee from day one we would have put in the coffers $.4.5 million and at the going rate that would have done about 4.5 miles of heavy haul road to accommodate industry needs on these collector roads where they are coming to the interstate. Just on its face we can see the tremendous inadequacy of this impact fee and study and that is an example.
Randy – the formula they used was the CDOT analysis of heavy truck impact versus the light vehicle impact. Heavy truck ends up having as much impact as about 1,000 pickup truck trips.
So the formula is the analysis of that heavy truck traffic and then they went to the Roan Plateau where they had broken down the number of heavy truck trips per well bore versus medium versus light.
Commissioner McCown wanted to know on residential, the number of ATD did they predict for a single family residence.
They used round trip numbers and it came out at 4.5.
The heavy construction traffic is what is tearing up the roads. The Board has the ability to enact special exactions based on that particular development.
Marvin said one of the conservations with the industry has been that they pay a lot of taxes and they feel its not distributed right and they do not understand all the taxes and then help Road and Bridge when the majority of the impact is going for roads and very little of their tax dollars is going back into Road and Bridge but is going everywhere else.
Commissioner McCown – the way the taxes are appropriated 60% plus is going to schools, etc. and all the other special districts in your taxing area. We can shuffle it around within our 13.65 level but we don't have control over those others. They are no different from other people because they see the bottom line.
Chairman Martin – they way they are taxed at 85% of production etc versus 29% for industrial versus 7.9% for residential and it makes a difference on those mill levies.
Commissioner McCown – this is a philosophical discussion and if it hadn't been for Mr. Gallagher's amendment those very homes getting that 7.9% valuation rate now would be paying a more proportioned share of their use on those roads but that hasn't happened and will not get changed because that would also require a vote of the people and normally they don't have a tendency to raise their own taxes.
The Board concluded that they are not ready to decide on impact fees today. Some other options need to be analyzed to see if there is another way to approach this other than impact fees to approach this and what it will mean if we don't put anything in place to generate new money. We must be serious about the cost of doing business.
Ed reminded the Board of a similar situation at the Landfill when the rate structure at the Landfill was very speculative and you could bring a truck in and an estimate would be done and now we built in some rate structures that were fair to everybody and it helped to built fund balance at the Landfill. I see this as analogous to that where if you develop rate structures that are fair to everybody you will built something that will contribute to deferring the cost of the future.
Commissioner McCown – has real concerns – an impact fee will affect new growth and do nothing for on-going maintenance where growth already existed. Continually behind the curve and maintenance cost will keep going up.
They Board would like to look at a combination of options.
Analyses the numbers on the cost to do business in the Garfield County. Find money – it may take a long time to get something in place but this study illustrates the need to start in order to defray the cost of growth.
Impact fees and the mill levy increase are some of the options.
The Glenwood Meadows was used as an example where 300 new jobs were generated but no housing. This creates more traffic to Glenwood and the county has no method to hit the business.
Chairman Martin – there are abilities to have memorandum of understanding and revenue sharing within the county to municipalities by statute that you could go ahead and enter into that agreement within the local jurisdiction but it takes a lot of initiative to get that done and you need a good project to sell it.
Don said the same act that put impact fees under the control of the state legislature and authorized counties to impose fees on a board range of activities also allows revenue sharing on those impact fees. That would have to be the subject of an IGA and apples to municipalities and to counties.

Commissioner McCown- we could charge an impact fee and give part of it to the city or vice versa depending on the study when it was needed.
Bruce Christianson, Mayor of the City of Glenwood Springs – there are several issues to be included in that and number one is I doubt that all 300 of those employees live on a county road somewhere, and suspect that the majority of them live within municipalities and use those streets and the Interstate highway to get to Glenwood so I don't think the same kind of impact with retail development. Proportionally we don't have data to argue it and secondly the county collects a sale tax on all of the sales that are generated there and these is a contribution from those retail projects that goes back to the County and a part of that is specifically earmarked for Road and Bridge.
Chairman Martin – a small percentage of it as well as for the sheriff and municipalities receive it for emergency communications and apportion coming back to the city out of that portion that the county receives. Zero general fund dollars for any kind of impact that we would see otherwise.
Bruce – we could say the same things about the impacts to municipalities of the oil and gas and Glenwood received $700 last year on oil and gas impact money so and in talking to the Glenwood police chief there's an impact, so the key is to work together on some of these things.
Commissioner McCown – if Glenwood only got $700 that was a coal employee because the oil and gas employees paid $5000 per employee. So you didn't have anyone living here is what that implies. They may be shopping here but no one lived in Glenwood and worked in that industry.
We are working on that this year
Joe O'Donnell and Dave Merritt and worked on the severance tax impacts.
Directions for the new code:
Don said the staff needs direction in terms of the new code and how the Board wants staff to approach this issue, do you expect the new code to simply incorporate what you have now or will the Board give directions in terms of trying to alter what's in place now to incorporate in the new code or do you want impact fees not to be addressed at all in the new code.
The Board gave direction to move forward with staff to adopt this fee impact fee into the new code. The Board does not feel comfortable that this is the answer.
Don in order to trigger the oil and gas impact in the land use code, this is a critical issue and we have to have a land use process because this fee is attached to a land use approval and land use impacts so you have to have some type of permitting system at a local level for the gas industry. The problem is when you tie in to the direct impacts that a truck may have on the road ie the driveway permit or a weight impact of the truck which we've looked at in the past, then its not related to the particular land use activity and so it has to be applied across the board to all industries, all driveway access. In order to apply it to a specific land use you have to incorporate it in this code and apply it the same way that you require impacts from the timbering permit when you require them to get a special use permit and require them to improve the road as part of that, you have to approach the gas industry in the same way.
Administrative permit per Don – then this will be well suited – yes per well. The board can adopt an administrative review and if the only impact you're going to address from this particular land use is impacts on the road, then an administrative permit would seem well suited to that. But it would be per well if your charge is per well. In your current code you would have to adopt an administrative process that would require an application review and imposition of the impact fee. Under the Town of Fredrick there are a few other areas you can regulate but very few. The Gunnision case, the only thing that came out benefiting the counties was that the court required the company to apply for a permit. There are other counties that follow a process of imposing fees and Mesa does.
Commissioner McCown when we are talking industrial the only thing we're alluding to is a per well type fee. How do we assess an impact fee for other industry other than a gas well?
Don – this is important and in the past we have assessed either fees or asked companies to address impacts both for timbering and for coal and also for gravel so we need to have that mechanism and a fee impact calculation for those industries.
Commissioner McCown – We're singling out one particular entity because they may be the most visible but they are not the only industrial application we have to address.
Commissioner McCown said with that he would make a motion we direct staff to move forward with future development of this traffic study and the implementation of the impact fees as presented in the study and the development of an impact fee structure to address other industrial uses. Commissioner Houpt seconded.
Commissioner Houpt – I would also like for us to move forward and meet with other jurisdictions figure out how we can address the issues of impacting each other as we continue to grow.
Chairman Martin – that would be a different motion and a workshop and invitation that would need to go out.

Don asked if Larry's motion included direction to include industrial activities other than oil and gas that aren't included.
Commissioner McCown – yes.

In favor: McCown – aye; Houpt – aye Opposed – Martin.
Chairman Martin – I oppose simply because its so defective that we're loosing out on a lot of issues and I understand that it's got its place but we're not there yet so hopefully we can improve it as it goes and I can support those improvements to support the overall concept.
Commissioner McCown – we're just approving the direction of staff to go forward, I haven't approved any action.

Commissioner Houpt – would like to have workshops set up with municipalities on road issues and since there is a current issue in Glenwood Springs they may be the first to meet with.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

APRIL 10, 2006
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 10, 2006 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 – Applying liquid dust suppressant to County Roads – Marvin Stephens***

Tim Arnett and Marvin Stephens presented the bid to Enviro Tech Services, Inc. to provide and apply 909.201 gallons of Magnesium Chloride (32% in solution) at a cost of $354,588.39.
Commissioner Houpt asked if anyone had tested the lower percentage.
Marvin said the lesser percentage, the less effective with traffic and weather. There's been a little increase in price.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the bid to Enviro Tech Services, Inc. to provide Magnesium Chloride at a not to exceed cost of $354,588.39 and anyone applying Mag Chloride to our County roads will be using this same contractor.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Road and Bridge – Purchase hydraulic angling snow plow - Marvin Stephens***

Henke Model No. REL-12 Hydraulic Angling Snow Plow for a not to exceed cost of $10,414.00.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid award to Honnen Equipment Company for a Henke Model No. REL-12 Hydraulic Angling Snow Plow for a not to exceed cost of $10,414.00.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Road and Bridge – Pad floor Shell Kits – Marvin Stephens***

Tim Arnett and Marvin Stephens presented the bid award to Macdonald Equipment Company for an Elliot Fit Vibromax, Fit Hamm (pad foot shell kits) to fit the compactors. There will be two kits at cost of $25,688.00 for both.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to bid award to Macdonald Equipment Company for an Elliot Fit Vibromax, Fit Hamm (pad foot shell kits) to fit the compactors at cost of $25,688.00 for both.
In favor: Houpt – aye Martin – aye McCown - aye

COUNTY SHERIFF – LOU VALLARIO
RACES – EMERGENCY RADIO OPERATORS ORGANIZATION
Lou Vallario Eric (IT) and Al Acker – Civil Emergency Services were present.
Callahan Mountain – Com Board is working on this to broaden the capabilities
Al Acker presented a power point of the Colorado State Emergency Communications.
They are requesting funding.
RACES – Radio Amateur Civil Emergency Service is a special part of Amateur Radio Services sponsored by the Federal Emergency Management Agency.
Eric – we view ourselves as professionals and problem solvers. They had communications set up in 20 minutes at the Katrina hurricane disaster once they arrived on site.
Lou said during the Coal Seam Fire this type of system would have greatly enhanced the emergency communication systems.
In Garfield County GMRA/RACES through private funding have established repeater sites on Baxter Pass and Sunlight Peak. There is a temporary low power repeater at Anvil Points as a test site. $13,187.27 is the amount of request. The Mt Callahan site would give them a broader scope and range.
The Com Board received a grant for 3 sites. Need to find a funding source as this is not in the budget.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to fund the RACES application in a not to exceed $14,000.
Don clarified that this would be a grant agreement form and time limit will be late July or early August.
In favor: Houpt – aye Martin – aye McCown - aye
Sheriff Vallario and his staff caught the arsonist in Rifle on Friday.

COUNTY ATTORNEY UPDATE – DON DEFORD

- Weed & Pest Management – consideration and approval of IGA for Mosquito Control – Steve Anthony

Carolyn Dahlgren and Steve Anthony presented the Intergovernmental Agreement for Mosquito Control between the Board of Garfield County Commissioners, the State of Colorado, the Towns of Glenwood, Carbondale, Rifle, Silt, New Castle, and Parachute for spraying for mosquitoes. The total cost of the control for the West Nile Working Group is $80,600. Glenwood Springs share - $4,000; Carbondale's share - $4,750; Rifle's share - $13,200; Silt's share - $3,700; New Castle's share - $4,000; Parachute's share - $4,750 and Garfield County's portion is $115,000.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the IGA for Mosquito Control and the Chair be authorized to sign.
In favor: Houpt – aye Martin – aye McCown – aye

Executive Session – legal advice and personnel matters – advice on –going oil and gas litigation, Barrett and EnCana and an update on a public project. Update on status Rulison site and provide review concerning the DA Recall land reimbursement of expenses. Occidental Petroleum and man camps and land use code. Provide advice contract negotiations with Antero and City of Rifle on the county property.

Dale Hancock and Jan Shute will be needed on the Procurement Code.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to go into an Executive Session.
In favor: Houpt – aye Martin – aye McCown - aye

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Purchasing – Consideration and approval of Resolution amending Garfield County Procurement Policy and Procedure Manual***

Jan Shute presented the Resolution concerned with updating and amending certain provisions of the Garfield County Procurement Manual of 2000 as amended in 2002 by Resolution 2002-81.

Commissioner Houpt would like the procurement limits to be consistent in this policy between elected officials and county manager and assistant county manager and understanding that other counties are extending their limits but I'm not going to lower the limit but would like it to be consistent of $10,000 throughout the policy. That is my motion.

Commissioner McCown seconded. Did that motion include the adoption of all the other changes that we saw?

Commissioner Houpt – I could do that, this one was just to change that one but could turn that motion to adopt that policy with the other changes as presented.

Don stated there is a Resolution proposed to incorporate all changes through the attached document. If the Board wishes to adopt all those changes except for altering the contracting authority for elected officials to reflect $10,000 then a motion to that effect, then we can make that change and John is then authorized to sign. Commisisoner Houpt – so moved; Commissioner McCown seconded.

The motion has been amended.

In favor: Houpt – aye Martin – aye McCown - aye

Don presented the Board with a draft letter that we hope to sent to the Colorado Secretary of State with copies of all legislators and also to the other counties in the 9th Judicial District requesting reimbursement of expenses for the recall election for the 9th Judicial District Attorney, if the Board is in concurrence with the draft, I would like authority for the Chair to sign the letter in final form.

Commissioner McCown so moved. Commissioner Houpt seconded.

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

URS

Don had a request from Mark Leverison at URS to reimbursement him for some currently unpaid expenses he incurred during the course of developing the Phase I project; the email to Don indicated that he currently has expenses of approximately $15,000that have not been reimbursed and that is not consistent with what he sent Jesse but that's what he gave to me. This includes $9,644 of documented out of pocket expenditures, difference being his time. If the Board wishes to make this adjustment, then the Board needs to authorize a contract amendment with Mr. Leverison by motion.

Commissioner Houpt asked if these were expenses incurred under the contract we negotiated with him or is work outside that realm.

Don – in reviewed and the expenses they are for items that normally would have been occurred in doing the contract. He simply miscalculated in his proposal to us.

Discussion was held and the final outcome of that was to reimbursement him for the direct costs of $9,000 plus.

Don said he simply didn't understand the scope, more work involved in gathering the data and can see the raw cost is for data collection.

Commissioner McCown made a motion that we pay the raw cost only on this particular billing and that there be a clear understanding prior to entering into Phase II on how we handle our cost not to exceed contracts. He doesn't want to see this coming back on Phase II and holding critical information hostage and having to pay additional money.

Commissioner Houpt seconded.

The amount was $9,444.69 and this is the amount authorized.

In favor:

Houpt – aye; McCown – aye; Martin – aye

COMMISSIONER REPORT

Commissioner Houpt – last week at the Open House as well for Oil Shale; I-70 Coalition on Thursday; EnCana evaluation at 10 tomorrow – GBCA is tomorrow night and Wednesday a meeting with Williams Production; and an I-70 Executive Committee on Friday.

Commissioner McCown – Associated Governments – met last week; appointment in the County this month; Oil Shale open house last Tuesday and it was a very good presentation, redundant presentation on the hour; County Commissioners Workshop – Traffic Study; this week have some type of an evaluation meeting with a private firm by EnCana on Tuesday from 11:30 – 12:00.

Chairman Martin – NRCS meeting invited to attend at the Silt Fire Station tonight at 7 PM and Community Corrections at noon on Thursday, April 13th and invited to the BLM Multi-Agency Grand Opening of their building at Walker Field at 9:30 a.m. tomorrow as well.

CONSENT AGENDA

a) Approve Bills
b) Wire Transfers
c) Inter-fund Transfers
d) Changes to Prior Warrant Lists
e) Building and Planning – Hayden Radar – Los Amigos Ranch, Filing 1 – sign easement vacation map plat and amended plat for lot 1

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a – e absent b & c.
In favor: Houpt – aye; Martin – aye; McCown - aye

REGULAR AGENDA

PUBLIC MEETINGS: HISTORICAL PRESERVATION – TRUE MEDIA FOUNDATION – HISTORIC VIDEO – CHRIS TRIBBLE AND DANA MARLATT

Chris and Dana intruded True Media Foundation, Media that Matters. This is a non-profit organization that produces broadcast media that educates, enlightens and honors the human experience. It develops high school and college students into responsible, thoughtful and professional media-makers.
The mission of the organization is to preserve and celebrate the historical facts, voices, and stories of the Garfield County communities while developing a new generation of voices through the power of media.
The goal is to collaborate with area educators, non-profits, and corporate entities in order to provide our communities with long-lasting digital documentation of our historical figures. It will strengthen the communication and relationship skills of our youth by allowing them to be instrumental in preserving the past and create new revenue streams for non-profit sustainability via media.
This is targeted to middle and high school students.
The timeline is May 1st and show the productions in August in Centennial Park on Tuesday, August 29, 2006 following Farmer's Market. $3600 for the total cost of the event.
Once shown in the community setting, it will be shown on KRMA Rocky Mountain PBS & KBDI-12 PBS Denver.
This is a mentoring program and the goal is to have between 30 to 50 kids involved.
The total goal is $10,000.
The request is to have corporate underwriters at $1,000 each for the production of "Making History of our Own." The total estimated production and event cost is $10,000.
Commissioner Houpt very impressed with the project and the amount of people involved. It is highlighting the County and it makes sense to be a part.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to grant $2000 to support "Making History of Our Own."
This is coming out of the Commissioners slush fund.
In favor: Houpt – aye Martin – aye McCown - aye

TOBACCO PREVENTION– COLORADO CLEAN AIR ACT DISCUSSION - HB06-1175. - SHELLEY EVANS

Shelley Evans and Lynn Renick were present.
Shelley presented her Tobacco prevention and stated that as of July 1st the clean indoor air act takes place across the State of Colorado HB06-1175.
Sheriff Lou Vallario does not have the resources to be the smoking police.
Commissioner Houpt – wants a more formal conservation with the Sheriff. This is not going to be a priority but if in violation with another policy, enforcement will be a priority.
Shelley – Summit County implemented their smoking ban and they have not yet written a violation. This is one example.

TRAVELERS HIGHLANDS – HARLAND MCELROY – CONSIDER A REQUEST FOR APPROVAL OF AN AMENDED FINAL PLAT – LOTS 10 AND 15 – RICHARD WHEELER

Jan Shute and Richard Wheeler were present.
Richard submitted the background and description of the proposal saying that the applicant is requesting to combine lots 7 and 19 into one lot.

Staff recommendations:

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 Aspen Glen PUD shall be shown or referenced on this amended plat.
3. All plat notes from the original Final Plat of the Travelers Highlands Subdivision shall be shown or referenced on this amended plat.
4. 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 amended plat request by the applicant with the 3 conditions noting the 90 days.
In favor: Houpt – aye Martin – aye McCown - aye

ASPEN GLEN PUD – HOMESTEAD – LOT H-22 – CONSIDER A REQUEST FOR APPROVAL OF AN AMENDED FINAL PLAT – JIM AND ANN KENNEY – RICHARD WHEELER

Jan Shute, Richard Wheeler, Jim and Ann Kenney were present.

Richard presented the background and description of the proposal saying that John Muir Architects is representing the Kenney family and is requesting an amendment to the final plat of the Homestead at Aspen Glen PUD< Lot H-22 to increase the rear building envelope and decrease the northwest corner envelope.
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 Aspen Glen PUD 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 amended plat with the 3 conditions as listed.
In favor: Houpt – aye Martin – aye McCown - aye

Additional Reports

CCI – selection committee for the Severance
It was announced on the 20th that Ron Meese, Larry McCown and Keith Lambert have been appointed.

Associated Governments – The State is looking at changing the formula on the amount and the Mayor of Glenwood reported receiving $700 but there was a $25,000 direct payment on the Severance Tax amount paid to the City of Glenwood, not $700 as reported by Bruce Christensen.

OIL AND GAS – PETROLEUM DEVELOPMENT CORP (PDC) PLAN OF DEVELOPMENT - DISCUSSION
Dewey Guerdon, Vice President Exploration presented their plan, development and density.
Bill Keefe stated that the Commissioners wanted to have someone met with the Board.
Chairman Martin stated that the application came in and hopefully it is downhole spacing and not the overall spacing density.
PDC –a public corporation since 1969 and in Bridgeport, W. VA and in Evans Colorado out of Greeley. Operations in Rocky Mountains since 1999 and entered into the Piceance Basin in late 1999 and drilled 139 wells in Parachute Creek area. A map was handed out showing the major blocks of area. Puckett and Chevron are the two major companies. Very friendly company and makes it less contiguous – the main access road is through DeBeque.
The best thing they brought is a self-moving rigs to save on locations and do more directional drilling.
One of the things they do is 10-acre density on less surface disturbance and this is the best way to go. The Puckett Range is shown in yellow on the map. One pad for 40 acres was approved in February.
Puckett asked them to start drilling directional wells as they had drilled 46 wells on their property. They were not interested in having one well on a 20-acre tract anymore and suggested the directional drilling on top. It is a technical challenge and they haven't addressed it in the past. They are not against one pad on 40-acres.

5-year business plan they are responsible for and it includes 40 to 55 wells per year and plan to mainly move on top of the Mesa year round. They have some challenges to drill on top of the Mesa. 3 rigs are committed to this area. One self-mover and two standard rigs.
Don – access to the drilling on top.
Dewey – developing a road – Garden Hills Road – 30 feet wide and will be designed for year-round road.
Man camps – are being considered. Keep the personnel on top to keep off the roads.
Williams has a pipeline and will be using that existing infrastructure. On top a series of gathering lines and they will mainly be timing into Williams.
Dewey – 10 acre density but the un-spaced area you can go down to 1 well per 10 acre as long as you had the owner's approval.
Don – the way the rules are written, you can ask for it. These wells were drilled in 1999 but from the PUC – the Puckett's asked them to go to the 20 acre spacing.
Permits were submitted to the Oil and Gas Commission.
Commissioner Houpt said that one of the reasons she wants to start meeting with all the companies in the area is due to new technology and allows for less dense spacing and the impacts with the number of wells in Garfield County, this is an important dialogue to have with the companies on water tables, and impacts on lands.
Dewey – because of the Environmental issues everyone drills directionally. They are not close to any residential areas.
Chairman Martin – too separate areas involved here and two densities are involved - the downhole spacing and surface spacing – for clarification we don't have a say on downhole but surface we do have concerns.
In 1998 – 1999 the BOCC protested the 20-acre spacing.
Dewey – these are applications that have been approved for 10 acre density drilling for downhole. All of the applications are subject to the maximum number of pads for 40-acre tract as one. Each one of those and the most recent one was one surface location for 40-acres.

Don confirmed that their applications permitted exceptions by order of the commission as well.
Dewey – when we come back here in 6-months and I have two pads in one ¼ section I want you to understand we have to apply that and get an exception from the Commission. The only time we plan to do something like that is if the typography and reach make it impossible for us to do that and we will have a time when we will have to go to the commission and we have to get the surface owner approval and commission approval too. This is not the application we are talking about now. This is the rule and if we want to do more than that we have to get the exception to the rule.
Don clarified that the 5-year plan would be using the Logan Wash or others access points they will use.
Dewey said 85% to 95% of our access will be on the Garden Gulch Road and that road is anticipated to be complete and rig ready meaning we are able to use any piece of equipment and be able to go up and down that mountain on a daily basis is April of 2007; until such time we will use Logan Walsh. The Garden Gulch Road will be a private road owned 100% by Chevron.
Mildred inquired if all their vehicles are licensed in the State. This applies to all the subcontractors and contractors.
Commissioner McCown – asked Dewey how big a chore it would be to come in on a semi-annual basis. This will help our relationship and if he sees an application comes in, would like to have him address the Board.
Jesse – trying and asking companies to email or provide electronically where the lines are located for emergency communications.

OIL AND GAS – APOLLO ENERGY PLAN OF DEVELOMENT – DISCUSSION
Derrick Tromp presented.
Galaxy (GSL Energy Corp) submitted to the Board, copies of the map and platting showing the DOE Nuclear Frac and the Furr Pad Locations. In Sections 15 and 22, there's a 40 acre tract in Section 15 and a 200 acre tract in Section 22; those are actually leasehold so a total of 240 gross acres. Assuming they are successful with the 20-acre density spacing attempt which will be tomorrow if everybody is satisfied here and there will be a total of 12 wells. 20 acre downhole and where it shows Furr Pad location there will actually be just two pads = one in section 15 and a very large pad in the one fairly flat area in section 22. The pad in the north requires a short jog off of BLM Road through and where Lou Oswald can give details because he's the negotiator. In Section 22 they thought they would have to cross BLM but Lou has negotiated access across a private landowner and most of the road will be on David Furr surface and David Furr will do the dirt work and the road building.
Commissioner Houpt – in Section 22 the drilling area with 20-acre downhole spacing, are you going to stay within that specific area and will any of this be directional drilling go outside of that prescribed area?
Derrick – everything will be an S shape bore hole starting out vertical will definate to the bottom hole location and turn vertical prior to entering into the gas extracted section. If you look at the square where the pad location will be you can draw a straight line anywhere in any of the 20 acre locations we'd be going to and the only danger would be crossing the inside corner but we drill the two northern most wells in our Section 22 tract from the Westside of the pad so we wouldn't cross under anyone else's mineral holding. No concern about being close to the moratorium area with the DOE and sited the study and measurements that have been done and the offset to the DOE well and in fact the OGCC rules on how close you can get. There's a moratorium within ½ mile of the explosion and within 3 miles you have to just notify and point out to the commission that I'm within 3 miles of the blast site but you're still allowed to permit a well. Everyone is pretty aware that this Williams Fork sands are very discontinuous and very impermeable and the fractures generated by that blast only extended 700 feet away from the well. That's a significant blast however it didn't have an impact where they were planning to drill. The distance from the blast site to our site from the southeast corner of our acreage to the well, 8,379 feet – 1 ½ mile – 3 times the radius of the moratorium area. Between us Presco has several well locations permitted closer that we are and they have drilled a well even closer than where we're planning on. If I measure from the actual well location would be, it's 8,800 feet. The way to think of it is people don't see very much communication from wells that are 660 feet away from each other that are fraced with the best technology that we have so there's no change of migration of fluids or gasses must further than 1,000 feet but we're almost 9,000 feet away.
Commissioner Houpt stated that a lot of people have concerns. We're doing a lot of studies on the geology on various locations in Garfield County so some people would be concerned about just having it be in that area, but you're right that you're outside of the moratorium area.
Derrick said his understanding was that the moratorium area was set up with a great deal of caution in mind and sort of a safety factor built in, in case the studies weren't perfectly accurate.
Don clarified the surface is owned all by David Furr
Derrick confirmed that to be correct.
Don – in the future when filing, contact the local designee which is Jesse Smith presently.
Chairman Martin asked for a 6-months update on drilling plan, activity and how many rigs and drilling plan.
Derrick – can do so in the next month or so.
The question of the Board is to intervene or not.
Commissioner McCown stated he didn't have any reservations and feels the requirement has been met and the landowner has met with the drilling company.
Commissioner Martin and Commissioner Houpt agreed
Therefore, there will be no intervention on either one of these application.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

APRIL 17, 2006
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 17, 2006 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
Windsor Energy – Jim _____ and Drew Dutton presented a handout and informed the Board about what they are doing in the Piceance Basin. They are new to the area.
The land belongs to Bill Barrett and EnCana for a total of 8600 net acres. There are 5 wells producing and has the capacity for 93 wells. 3-year plan included and all the wells will be drilled directionally; these are federal minerals. The land is located on the eastern side of Battlement Mesa about 7 miles south of Silt. There will be 6 wells per pad. In 2006 the development plan is to drill 16 wells from May 1 – November 30 under the DOW restrictions. They should have two rigs running by June. Jim is local and Drew comes in periodically.
Commissioner Houpt asked does it put them out of the area where there is some potential fracturing near the moratorium area.
Jim – monitored daily and they keep track weekly and see no changes. Jim has been with Texaco for 30 years. Windsor purchased from KLT Energy. Pressures are monitored daily and they monitor existing wells while they are drilling.
Don – BLM had their own completion requirements they had put in place.
Jim – BLM is 500 feet above the gas top. The new wells will be 9000 feet deep.
Don – They have rules that are more stringent than the state has in place.
Jim – way out of the baseline and no natural springs.
Commissioner McCown agrees with that.
Mildred clarified that all vehicles would be licensed in Colorado and she asked for a listing of all.
Jim – most are from Moffatt County. Only have 2 vehicles. Subcontractors are from Weld County and Vernal, Utah – will make sure.
Mildred – acknowledged they can do a dual registration.
Don – Phase II of the hydro, will they share the Braden head studies for us.
Jim – yes.

COUNTY MANAGER UPDATE – ED GREEN

- ***Road and Bridge – CR 331 – Dry Hollow Improvements – Jeff Nelson and Tim Arnett***

Ed stated the County had received a DOLA Grant Cycle that was specifically for road improvements. The award is for $1.5 million and we'll need to add county money.

Marvin and Tim were present.
Tim stated there were four constructions companies and only two bids.
Marvin Stephens Jeff presented the bid award to Frontier Paving for CR 331 at a not to exceed cost of $1,554,883.60.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid award to Frontier Paving for CR 331 at a not to exceed cost of $1,554,883.60.
Don – right of way to be acquired – not sure where we are in the process. No appraiser – started the process – may be 90 days out.
Tim – start date – July 1.
In favor: Houpt - aye Martin - aye McCown - aye

- ***Courthouse – 4th Floor Remodel – David Koenck And Tim Arnett***

Richard Alary, David Koenck and Tim were present.
David presented the bid award to Gateway Construction Corp to remodel the Probation Department located on the fourth floor of the Courthouse. David worked in conjunction with Shawnee Barnes.

David stated there was an increase in price due to the petroleum price.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the remodel of the Probation Department to Gateway at a not to exceed cost of $300,000.00
In favor: Houpt - aye Martin - aye McCown - aye

Commissioner McCown – Motion authorizing the additional $88,400 out of Capital funds for this improvement.
Commissioner Houpt – how much was the adjusted cost. $225,000 added to that the $88,400 – total $313,400
Commissioner McCown - The previous motion was withdrawn and a new motion was made to award the bid for $313,400 to Gateway Construction with the additional money from Capital funds.
Houpt seconded.
In favor: Houpt - aye Martin - aye McCown - aye

- ***Scope of Services-Veteran's Services Officer-Dale Hancock***

Dale was present and presented the original contracts. .

Dale presented Exhibit A for year 2006 which suggested: 40 hours per week office coverage, full time staff, office coverage in Garfield County Courthouse in Glenwood Springs, commercial office building and county Health and Human Services Buildings in Rifle, and experienced claims management and customer service staff.
$18,660.00 for 2006. Joe Carpenter has been with the County since 2000 and asked to have this $1555 per month.
Board is pleased with Joe's performance.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Veterans Services for $18,660 per year.
In favor: Houpt - aye Martin - aye McCown - aye

- ***Pavement paint stripping various county roads-Marvin Stephens and Tim Arnett***

Marvin and Tim were present.
Marvin presented the bid award to Patriot Highway Markings for a not to exceed cost of $77,528.00.
Performance and Payment Bonds in the amount of 100% of the contract are included in the contract price.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid award to Patriot Highway Markings for a not to exceed cost of $77,528.00.
In favor: Houpt - aye Martin - aye McCown - aye

- ***Chip & fog sealing various county roads-Marvin Stephens and Tim Arnett***

Marvin and Tim were present.
Marvin presented the bid award to United Companies to provide and apply chip & fog seal throughout the County for a cost of $712,935.73. Performance and Payment Bonds will be provided as part of this bid.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid award to United Companies to provide and apply chip & fog seal throughout the County for a cost of $712,935.73 and supports additional chip seal if there are funds left.
In favor: Houpt - aye Martin - aye McCown - aye

- ***CR 108 Bridge Rehabilitation-Randy Withee***

New information was submitted to the Board.
Randy Withee, Marvin Stephens, and Tim Arnett were present.
The county advertised for bid, for construction/repairs of the bridge located on CR 108 in the fall of 2005 and again in February of 2006. At which time the county received no bids. We then directed SGM, engineer of record, to call several plan holders and inquire why no interest in the project. Information gathered from the plan holders indicated the lack of bids were probably due to the economic climate and the size of the project. Therefore direction was given to SGM to proceed with working with a contractor(s) that has/had shown interest in the project. SGM received pricing from two local contractors and recommends the BOCC give notice of award to BTE Construction for the amount of $210,824.20.
Randy reviewed the bids and found them to be correct. They will get a schedule and get all the materials ahead of time to make sure there are no delays. Wait until after the high water goes down.
Some parts of the construction will leave the bridge open, but there will be times when the bridge will have to be totally shut down.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to notice of award to BTE Construction for the amount of $210,824.20.
In favor: Houpt – aye McCown – aye Martin - aye

Four Mile Road Construction - Update

Commissioner Houpt questioned the 25 mile an hour on Four Mile Road.
Marvin stated it starts around Dry Park Road all the way to the fire station going north.

Don – no construction yet – have enough signs for people coming in. Marvin will check on those today.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice - all related to oil and gas litigation or contract – Mike Matheson is on the agenda for 2:45 pm today and the board wanted to hold off on this issue until 2:45 p.m. to discuss the oil and gas issues in Executive Session. The current session will be discussion on the Phase II public project and the moratorium area that goes to hearing next Monday. Noble Energy application, pipeline with Jesse.
Needed for the discussion was Jesse, Don, Dr.Thyne perhaps on the phone; Mildred, the Board and Ed.
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 – Jeff with EnCana, GABC – Tuesday, Williams on planning on Wed.; I-70 Ex committee on Friday – this week meet with Wagon Wheel and EnCana tomorrow. Congressman Salazar – in the area on Wed. Senator Salazar on Thru – Friday CCI and CDOT for I-70
Commissioner McCown –Tuesday – evaluation with contractor regarding EnCana's performance in the County; Senator Salazar on Thursday at Hotel Colorado
Chairman Martin – NACRS – Silt Fire Station; new Allard multi-office at Walker Field in GJ; Williams on Wednesday – missed Community Correction - completed Pedometer Challenge – one item – 23rd = Sunday – Day Care Provider luncheon 12 – 2 – Hotel Colorado
Lynn's training Tuesday – 8 – 12 here. LoVA on 4-25-06 at 5:30 here

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 Townhome Plat for the resubdivision of Lot 46 of Valley Village Subdivision in the Battlement Mesa PUD. Applicant is Darter, LLC-Fed Jarman

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – e absent b & c; motion carried.

REGULAR AGENDA

Human Service Commission

SIRFI – Goals and Activities

Sandy Swanson – representing the initiative. There is a committee working together on this. In 2004 the Aspen Parachute community was selected for this program. In 9-2004 reps came together to work on a process. The first step was to decide who is an immigrant and they decided to let the individual decide. 45 volunteers were trained and meetings in a place where they felt were safe.
Identified 150 naturally occurring groups and 94 agreed to participate. They suggested activities and goals to help with this task. 1,000 participated in one of the meetings. They completed a 76-page document and eventually it will be on the web site.
The mixing of the cultures was the best way to integrate the community. Language was a barrier. Translate information, education, adult immigrant needed to be informed of their legal obligations.
Steering Committee will oversee the 6 projects. Colorado Mountain College is a participant in this and has a pre-school that's bilingual.
English in Action – will increase the activities to teach some English. They are assigning students to work in non-profit agencies and being a volunteer. This increases their feelings of value to the community.
Committee of 12 people is doing a great deal.
Handouts were submitted explaining the initiative of the Colorado Trust – Supporting Immigrant Integration.
Folder – 79% come from Mexico to Garfield County whereas Pitkin County only has 22%. Other areas where births are documented are Canada, El Salvador, Germany and United Kingdom.
Discussion
Sandy – like the Board to look at the recommendations and see if there are some things you can do the way you perform your duties.
As government if we can help – hospitals, schools, government agencies. Send email to Sandy
She will provide an update to the Board.

Board of Social Services

Lynn Renick presented.

a. ***Approval of EBT/EFT Disbursements for March 2006***

Total March 2006 client and provider disbursements equaled $559,454.02
Commissioner Houpt so moved; Commissioner McCown – seconded.
In favor: Martin – aye; Houpt- aye; McCown - aye

Consideration and Approval of Colorado Prevention Partners Contract with Community Health Initiatives, Inc.

The contract's total not-to-exceed amount is $46,606 for the grant and
Contract term of March 1, 2006 through September 29, 2006. Board consideration and approval of the contract is required.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve contract's total not-to-exceed amount is $46,606 for the grant and contract term of March 1, 2006 through September 29, 2006.the seconded.
In favor: Houpt – aye; McCown – aye; Martin – aye.

Consideration and Approval of Placement Contract I.D. #U756507 in the not-to-exceed amount of $13,102.08 to Griffith Center for Children, Inc.

Lynn requested approval for the Placement Contract I.D. #U756507 in the not-to-exceed amount of $13,102.08 to Griffith Center for Children, Inc.
Commissioner Houpt – so moved; Commissioner McCown – seconded.
In favor: Houpt – aye; McCown – aye; Martin – aye.

Discussion regarding purchase of vehicle for Child Welfare program

Lynn and Ed discussed this and the possibility of 2 vehicles can be purchased for the child welfare program. The funds will not be expended and we received based on numbers and all the different $3.5 - $3.8 million – placements this year were cut in half.
Will this be impacted if we purchase vehicles or is it allowed. Lynn stated it will not impact and she had checked.
80/20 - $4,000 grand a vehicle – not part of the motor pool and will have to be used only for child welfare services only.
Maintenance costs will be charged to this program. Purchase as is on the lots.
Lynn doesn't know what the final numbers are on the child welfare.
This is one of those funds that do not roll over.
Ed – they plan to purchase one Escape and one van.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the purchase of these two vehicles at 80/20 with $8,000 applied to the appropriate purchase.

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

Program Updates

Lynn submitted the program updates for the Board's review. Draft letter regarding the youth issues (see handout) on-line survey to many community agencies and all elected offices, managers, community stakeholders and work through a committee and will come back and give a date. July is the target and then into Phase II and Phase III to respond to the survey.
A phased approach.
Single Entry Program has determined they will do the grant on a different basis. We are $59,200.79 for the 04 – 05 contract and very little criteria that is being put out there for this money and will get a check for last year's contract.
$15,000 increases in the 05-06 contract and Linda Byer and Lynn will be sitting down reviewing the changes needed in services.
Sunday – April 23rd – 6th Annual – Child Care Awards

Board of Health

Mary presented the EPSDT Contract with HCPF for an increase for a total of $212,000.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign.
In favor: Houpt – aye; McCown – aye; Martin – aye

Pandemic Influenza Planning Contract with CDPH

Mary explained the program and submitted Phase I Scope of Work for the board to review.

Prenatal Case Management Program Update

Mary submitted the update on the prenatal case management program.

PUBLIC MEETINGS

LIBRARY BOARD STATUS REPORT- BILL LAMONT

Ann Moore, the new director will lead off. Others include – Bill Lamont, Greg Rossi, Lynette and Ella and Cheryl and Mindy
Ann Moore – new library director gave some quick facts from the State Library. In 2004 citizens of Colorado used the library 58 million times and purchased more items.
Bill Lamont advised the Board that they had been working with Dale Hancock and he has been a good liaison while reviewing Bond Consultants. All six of the communities have been visited and some comments from elected officials. They received great support from all the elected and when the preliminary information was presented in January. The Board is taking another look at capital and operational needs to tie these down from the preliminary estimates. Mils were suggested instead of the rescind the ¼ cents and lower the mill levy and would like input on this concept. Any kind of a mill levy is a difficult job. With the business community this would be a more palatable approach. They asked for feedback – what makes the most sense?
Have reviewed bond counsels and O'Nicholas has local office here in Glenwood Springs. Provide with political advice and look to go to a survey with citizens around June 1st. Like to mount an educational campaign with the communities. Meeting with the 6 communities and have one person in the local communities to head up the program. Refining the message, survey around the 1st of June for a go or a no go.
Message has been laid out and what the libraries are providing and what they should be offering.
Rifle, Glenwood and Carbondale would justify doubling the library services. Double the sizes of the buildings. They want to see this happen. Glenwood Springs, complex in the government complex with performing arts – looked at sites with the city manager and city planner.
The Board suggested they research the notion of co-mingling the two taxes into a district or a separate tax for a library district. The ¼ cent sales tax when voted on, the way it was worded, the BOCC could continue to allocate this to the library.
Research is still underway.
Chairman Martin – county should step forward and give them to the library – these buildings belong to the Library and not the County therefore, education – under the impression that these are county buildings – gets a lot of phone calls – education the public – set up in the 80's – oil shale trust funds – educational process on BOCC and library board.

Bill – offered to give the library to the communities – point was that the library is for your citizens and want the communities to take more ownership instead of just the ownership under the building. This is part of the educationally process and we need to get the communities involved. A tremendous asset to the community and hope to get this message out.
Carbondale, Rifle and Glenwood are interested in doing more in the towns and they are very responsive.

The public needs a better legal understanding of the building ownership - the fiscal responsibility – ¼ cent targeted – convoluted relationship.
Commissioner Houpt - Encourage the campaign – she is interested in ¼ cent and mill levy.
Bill – they will clarify it with the County Attorney and with their bond counsel to get clarification.
Tom Stuver and Tom Phelps with Kutak Rock will be the ones handling this for the Library.
Dale is the liaison for the County.

Commissioner McCown – talk to the counsel about earmarking that portion of the tax for capital funds – very successful if items are clearly identified in the ballot question – grand scheme – explore it.

Request for extension of pipeline construction time, GARCO Regional Airport, License Agreement with Antero Resources

Carolyn handed out a simply document – the part under the new runway. Asking the time extended through the end of June – John Rheinheimer present.

PUBLIC HEARINGS:

Abatements for El Rocko Mobile Home Park LLC, Paul R. & Celia R. Nieslanik, Big R Enterprises LLC, Dolinola Inc., Kayli Offerie, Trustee for the Family Trust, M.M.Z.Z. Ltd, C.P.O. Inc. – Shannon Hurst

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.

Shannon Hurst was present.

She presented the following abatements and explained the purpose for abating the taxes for tax year 2006:

El Rocko Mobile Home Park, LLC for $8977.97; Paul and Celia Nieslanik – 6,429.89; Big R Enterprises LLC. for $15,219.88; Dolinola Inc. for $4,496.43; Kayli Offerie, Trustee for the Family Trust fo4 $4,249.11; MMZZ Limited for $7,968.12; and CPO Inc. for $2,760.80

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 abatements, El Rocko Mobile Home Park, LLC for $8977.97; Paul and Celia Nieslanik – 6,429.89; Big R Enterprises LLC. for $15,219.88; Dolinola Inc. for $4,496.43; Kayli Offerie, Trustee for the Family Trust fo4 $4,249.11; MMZZ Limited for $7,968.12; and CPO Inc. for $2,760.80 and the Chair authorized to sign.

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

PUBLIC MEETINGS:

BUILDING AND PLANNING:

Consider a possible referral from the Board of County Commissioners to the Planning Commission for a Special Use Permit to allow an Evaporative Pond south of Parachute. Applicants John and Phyllis Hyrup – Richard Wheeler

Richard Wheeler submitted the B & P background on the SUP saying it is on a 480-acre property owned by John and Phyllis Hyrup to be operated by Noble Energy. The proposed development will be on approximately 70 acres of the property. The site is located approximately 8 miles southwest of Parachute.

Letter from three individuals was submitted to the Board requesting this be referred to the P & Z.

Wagon Wheel Consulting has submitted an impact statement.

Staff recommendation:

The potential impacts of surrounding properties are a concern to staff. Staff has received several calls from surrounding property owners about the proposed evaporative pond. Although the Board has permitted several evaporative ponds and is aware of the possible issues, staff is recommending the Board refer this matter to the Planning Commission for further review to give the surrounding property owners and concerned individuals more input on the project.

Richard stated that the P & Z could hear this in June and July.

Houpt – this is a very large area and neighbors are very concerned about this and the weeks of postponement is not significant compared.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to refer this to the Planning Commission.

Commissioner McCown seconded.

These letters that complained also complained about the trucks so the sooner this gets heard, the better.

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

Housing study consultant presentation-RRC Associates and Randy Russell

Susan Shirley, Randy Russell, and RRC Associates were present.

Geneva Powell, Nolan Roussard, and Kathy McCormick were present. Wendy presented a power point.

The Objective is to identify current and future housing needs of residents and local workers and establish the gaps in the housing market where local needs for housing exceed market supply.

The main impacts found were population and job growth; home prices; competition with out-commuters; second homebuyers; housing higher priced units over affordable units;

A growth of county growth projected about 80% and jobs will not be keeping up with the growth of residents.

Recommendations were given including inclusionary zoning modifications and encourage complementary housing requirements throughout the county and the communities to ensure housing needs whether development occurs in the unincorporated or incorporated areas.

Commissioner Houpt – since the free market can't address this then we, as a county need to figure what can be done. Salaries and wages are not going up with the prices of housing. Its very apparent is that we do have a problem.

Randy – the report doesn't look at what we can do – we have started doing some of this in the Code rewrite – mobile home basis – those things creating roadblocks. Some incentives could be in the next steps. Hopefully we will have a workshop to decide ways to resolve this problem.

Commissioner McCown – these areas are resort communities and applying Inclusionary rules drive their housing higher – the problem lies in Glenwood Springs and Carbondale and the economy of scale is related to density. This needs to happen within the corporate areas of the towns. A realization factor – true attainable/affordable housing is related to density.

Commissioner Houpt – this has been dominated by municipalities and there's a very high residential housing development in Glenwood Springs and the prices are higher than most people could afford now. If

we start meeting with our municipalities and look at the buffer areas maybe we can come up with some solution.
Commissioner McCown – the more regulations, the more stipulations and the more the spread between the affordable and free market. A reason there are more homes in Battlement Mesa is because it is cheaper land. A developer will add the cost to those other homes and it will inflate the free market housing.
Wendy agreed this was a good discussion – where will these programs work and where needed in the future.
Commissioner McCown – the economic viability will have to be incorporated the cost to build those affordable units, it will be tagged onto the free market house or it won't be built. You have to get down to the service worker, the house cleaner, the burger server, that level no matter if they're working in Eagle County, Pitkin County or Garfield County there's a level you can pay for a service related job and those people are the ones that are getting left far behind in this housing scheme because they're not making $20 a hour building a house for somebody else. If you took the neighboring counties out of the mix – you would have enough housing. Housing prices are overwhelming the salaries of the residents.
Chairman Martin – and the percentage rate shows that because of how many people actually own housing in those counties which is 30% versus 88% of the people own their own homes which again drives up that issue. Now you're commuting cost in not in your wages, etc. that commuting cost and whatever takes a toll and equalizes or even diminishes the larger wage and it's an incentive to get that work force there and some people take it and some people say it's not worth it and return back to the lower wage – that's what we see going on in your study as well. The decrease in jobs within Pitkin, and Eagle County coming in growing in Garfield County – again if you're going to have affordable/attainable housing there's only one way that I've seen that works and that is the government builds in, the government runs it, the government owns it and they become subsidized housing units and they're rentals. And we build them right next to the borders of the counties and they're high rise and they stay right there on the border and they are the 37% that go to the other counties for wages.
Randy – a 60 story structure.
Commissioner Houpt – actually there's been a lot of good comments and we do need to compile all the options and through John's in along with that and lets have a regional discussion and go beyond the Garfield County issue but include Eagle and Pitkin.
Randy – we have areas that will not accept the rental housing application language.
Commissioners Houpt – not just counties, but the larger area including municipalities and counties in this region. We need to take the lead and look at the options and look at a private partner and look at the traditional options but look at employer generated issues.
Randy – we need to figure out what we can do as Garfield County while we're inviting them to have that larger discussion. I'd like to put the time frame on our working session. The other track that we've got going that will inform us greatly is BBC has committed to get the first run of the socio-economic model out on the street in 60 days. That also demands that we sit down with the towns because it's just not that they are not taking rental units, they're not taking a fair share of growth and the model will show an incredible increase in the bumping of people downstream as a result of that. Glenwood Springs as we know things it will hit build-out at 12,000 people and that's 5 -6 years down the road, and they're not accepting anymore. So where do you go? You head west until you qualify and that's going to come very apparent when all that is on the wall in one place and we're all looking at it, so that process will demand that we all sit down in a room and talk about the consequences of our decisions and it will get real plain real fast that it's sort of not workable if everybody just follows their own current assumptions because it leaves a lot of folks twisting in the wind somewhere around DeBeque.
Commissioner McCown – DeBeque – there is cheap land and large corporations are buying voluminous acres of that land and tying it up and it will never see affordable housing – it is being turning it into resort areas and the energy companies own a lot of the deeded land.
Chairman Martin – there are a lot of dude ranches in that area and thousands upon thousands of acres.
Commissioner Houpt – short term and long term issues.
Randy – we know that we need to do some Code repair because Geneva Powell has been live within the constraints of our current code and she has a hit list because she's had problem with lack of definition with what we have now so we know we need to go back and repair that section. We want to get that done as soon as part of the code re-write. What staff is suggesting to you is that today is an opportunity to accept the report and all recommendations within it as advisory, to direct your three staff people now that are keenly involved in this Susan Shirley, Geneva Powell and Randy to come up with frame work for a working session to be held in the next 3 – 5 weeks afternoon, 90 minutes at least and from that having gotten a better sense of what you think consensus might look like, you'll direct us as staff to come back to you with some actual specific wording and a mixture of these strategies that may or may not be appropriate.
Commissioner Houpt – so moved on your recommendation. Commissioner McCown seconded; Motion carried.

Consider a possible referral from the Board of County Commissioners to the Planning Commission for a Special Use Permit to allow a camper park located North of DeBeque. Applicant is OXY USA- Mark Bean

Mark Bean presented. Doug Dennison representing OXY USA.
This is a 2-part request. 1) change zone district text and the Special Use Permit and 2) referring proposed zone district text amendment for camper park. No provisions in the code – a man camp to provide housing on site in very remote areas.
Camper Parks – very large and very remote – an issue that benefits residents in the County and cuts travel time – impacts very minimal and allow a special hearing date on the SUP and not refer to the PC.

BACKGROUND

The Building and Planning Department received a Special Use Permit (SUP) application for a camper park in the R/L Plateau zone district from OXY USA.

A camper park is not presently allowed in the R/L Plateau zone district, but the applicants have proposed a zone district text amendment to allow a camper park as Special Use Permit. Assuming this is approved, it will still be necessary to hold a public hearing for the proposed camper park. The applicants are proposing to have seasonal camper parks on their 10,708.69 ac. tract of land. These parks would move around the property to accommodate various working areas of the company.

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

Given the size of the property and the remote location, it appears that the impacts from the proposed camper parks will be minimal to other properties in the area. Staff would recommend that the Board authorize staff to set a hearing date before the Board only, but after the decision on the proposed text amendment.

Commissioner McCown – camper parks as we see them today and built with long term use in mind, your basic mobile home park or RV is long term commercial use but these units that OXY is proposing is a seasonal use or temporary use – perhaps as long a 5 to 7 years, still as a temporary use of this land, are we going to create the same level of standards for one of these units that we would for a permanent unit as far as the amount of septic/water, etc. or are we going to allow modifications if you will to haul potable water in and to pump out septic waste.
Mark stated there is flexibility in your own standards because basically they have to prove adequate water and sewer per engineering standards and those can be argued that they will be determined whether it is an seasonal or permanent use and this case OXY is proposing seasonal use and by the rumor mill, other companies are looking at more permanent facilities that might be more logically to have wells and leach fields and septic tanks. This would be economy of scale in that case.
Commissioner McCown – I've heard that these units will basically be looked at more mobile on the OXY site which again would lead to the hauling of potable water and pumping out the septic waste as opposed to digging a well and building a leach field and them moving away and reclaiming that. I don't think that's the best use of the land.
Mark – the process in dealing with this is being creative dealing with the man camp versus what would be the standard camper park or RV park that you would see down on the valley floor that was going to be dealing with the hunters. We need to deal with the engineering standards as they proposed here which is basically consistent with good engineering standards that you could make your decisions within those perimeters.
Commissioner McCown clearly remembers the UNOCAL man camps and even thought it was moveable facility it has permanent structure build there that needed the same criteria as permanent buildings.
Mark - This is an issue to deal with in the code rewrite – this is an immediate issue that needs to be addressed. The only thing Mark suggested not to go to the Planning Commission is the SUP application but the zoning will go to the Planning Commission.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to not refer the Special Use Permit but to refer the zone text amendment.
In favor: McCown – aye; Houpt – aye; Martin - aye

PUBLIC HEARINGS:
BUILDING AND PLANNING: VEGA, OTONIEL AND MUNOZ, IVONE – CONSIDER A REQUEST FOR AN AMENDED FINAL PLAT OF THE COOPERTON TOWNSITE, COMBINING LOTS 11 – 15 INTO ONE LOT: LOCATION – 0027 PINE STREET – CARBONDALE – RICHARD WHEELER
Richard Wheeler and Ivone Munoz were present.
Jan Shute reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.
Mineral rights are assigned to the US Government.
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 – Staff Report dated April 17, 2006; Exhibit E – Letter dated March 23, 2006 from William and Janice Bradford and Exhibit F - Application materials.
Chairman Martin entered Exhibits A – F into the record.
Richard gave the staff report. The application was held in November and the staff held this over to gain an understanding of building over multiple lot lines.
BACKGROUND AND PROPOSAL
The proposal is to comine lots 11-14 and a portion of lot 15 of the Cooperton Townsite into one lot. Lots 11-14 and a portion of 15 are held in common title by the applicants. The applicants purchased the residnece and underlying land in 1997. They wish to take down the exisiting home and place a new single famliy residence and garage on the property. Due to the old lots and setback reuglations, they need to amend the plat to make one buildiable lot that will meet the required setbacks.
Discussion of adequate utilities:
Staff brought this up – made a condition of approval to submit a well test and a physical and legal source of water. Upon further review with legal staff, septic was discussed.
Richard suggested an engineering statement verifying the septic issue.
STAFF RECOMMENDATION: Staff recommends the Board of County Commissioners approve the

Cooperton Townsite Amended Final Plat 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. If applicable, all plat notes from the original plat 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.
4. That prior to the Chairman of the BOCC signing the Amended Final Plat, the Applicant shall submit a well test (based on County standards) or a letter from Satank Water Association showing adequacy for domestic water.

Staff understands they want to replace the single family home with another single family home and a garage.

Ivone Munoz – clarified that they need a larger house for our family and the home that is there does have a foundation that we would like to preserve and put the new home above that and hopefully finish that basement that can't be finished right now and it not usable due to egress there, kids can't be down there with no emergency exit and so the house above that is too small with a nephew living with them and our 4 kids.

Commissioner Houpt – there are concerns that typically that come out of this neighborhood are about duplexes and think the concerns voiced on this application have been the same and wanted to clarify that this was a single family dwelling.

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 Cooperton amended Townsite final plat with 5 conditions, adding No. 5 that proof that the existing septic is adequate to handle the new construction and that is by the virtue of an engineer's statement, signed.
In favor: Houpt – aye; Martin – aye; McCown - aye

Noble Energy Operation Plans- Art Bowlin

Art Bollen, senior land man for Noble and Greg Danielson, attorney for the applicant.

Information about Noble Energy was presented in a folder as well as verbal presentation. Noble has made application to the Oil and Gas Commission and requested the 1-acre surface density and maximum of 1 per 40 acre.

Commissioner Houpt – confused and asked them to talk about drilling at both Williams Fork and higher levels and some times high density - Iles Formation wells.

The applicant requests of the oil and gas commission to establish forty (40) acre drilling and spacing units for the Williams Fork and Iles formations. They have requested that each such drilling and spacing unit, the Commission allow up to one Williams Fork or Iles well per ten acres, which can be optionally drilled into and produced from the Williams Fork and Iles formations of the Mesa Verde group. The applicant is requesting that the wells be located down hole anywhere in the drilling and spacing unit but no closer than one hundred feet from the boundaries of the unit. 55 wells to drill during the 2006 year.

A great deal of discussion occurred and the following property owners gave public input.

Mike Knox – issue is with the evaporation pond.

Larry Knox – owns property on the northwest corner of this property and asked what is the notification process on well spacing on the 40's.

Mike Knox – mistrust – Noble applying and EnCana can draw same minerals off the 40-acre.

Executive Session – also include the items discussed for executive session earlier in the meeting.

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 to come out of Executive Session. Commissioner Houpt seconded; carried.

Mildred expressed the law for licensing motor vehicles with all the moving in and drilling. This includes the vehicles and all special mobile equipment as well as employees licensing within 30 days.

Art will make sure they are in compliance.

Direction to staff

Commissioner McCown made a motion not to intervene after the presentation, no intervention.

Commissioner Houpt stated that it sound as if they want the flexibility of 40-acres and they also agreed to change some workings in their application to alleviate the concern we had. She seconded the motion.

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

Oil & Gas Issues – Mike Matheson

Mike is a consultant hired to fill in the interim until the County hires a new oil and gas liaison person. Mike formerly worked with the OGCC and has tremendous experience.

An informal discussion was held.

The Board gave direction to keep them informed with a sense of what was going on with current and future oil and gas activity and commented knowing that someone is out there with the technical background on what's coming forward and concerns in the County and help the Board process that information. Also to work with property or mineral owners and even the industry to know how this was going. The level of amount of activity and want someone who is really going to bring issues to our concern.

Commissioner McCown – reiterated this is not about daily APD – but significant spacing changes, significant to a drainage and not much beyond that other than what might be coming.
Commissioner Houpt – keep the Board informed on trends and development – areas that coincide – if applications come in and coincide with phone calls to Jesse, thinks its important to know where the red flags are and more than just spacing.
Jesse – a real change since Doug started, a gross lack of education before he came – education on the process and over the last 2 years a lot of education, they understand their rights and the industry quit ignoring us and there's a lot more dialogue going on – phone calls regularly and now we have 1/20th of what we had. We don't hear of all the concerns because communications. Technical questions – would they call Mike. First calling the companies. If they call Jesse he would let the Board know.
Commissioner Houpt – working on a new code and no significant oil and gas regulations – concerned about the compressor gas stations and don't see these any more. She would like to be better informed on what authority we might have as to use for a land use code.
Chairman Martin – need to know about conflicts of any kind and also of on-site reviews and any field rules and violations, operational improvement or external – major changes in plan with the State.

The direction to Mike was from a day to day standpoint he will be interacting with the citizens and still need a presence here – who can go out and document a concern and get these to Jesse or Don – hands on the ground to interact with the citizens. Move forward in filling that function. As you start moving up and reviewing in fill application, rule making, field orders, interacting with the State, that's no problem for him and can do in Durango or here – can help out – policy hearing type matters and phone calls. GIS system and data is available. Sensing that the BOCC have regulatory approach – getting information from the companies and acting on it and cooperating and that's 2 different approaches.

Continue this meeting – 3:00 pm. Meeting in Don's conference room – this week.

Recess

ADJOURNMENT
ATTEST: CHAIRMAN OF THE BOARD

_____ _____

APRIL 19, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The special meeting of the Board of County Commissioners began at 9:00 A.M. on Wednesday, April 19, 2006 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.

Executive Session – Matters of Litigation - Barett Resources and EnCana Inc. concerning lifting of the moratorium in the Divide Creek seep area.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to go into an Executive Session to discuss matters of litigation. Motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner Mccown to come out of Executive Session. Motion carried.

Action taken:
Motion
The Oil and Gas Commission meeting on Monday, there is currently set a request of EnCana Oil and Gas Inc. to lift the moratorium in the Divide Creek seep area, we have received a proposal by the state that they would agree to the moratorium as currently established would be lifted and that in lieu of that the commission adopt a notice to operators, a copy of which Don provided to the Board and is a matter of public record at this point, imposing restrictions on drilling for wells in the newly defined area of regulation. Also, that has been demonstrated to the Board graphically. I would propose that the position of the County at the meeting on Monday be one that we would then conceptionally support both the notice to operators and the proposed area in which that notice would be applied recognizing that we have not received the underlying data that formed the basis for those proposals and that we would ask 30-days or until the next hearing date, which is on the 5th of June to review the data on which the proposal was based and propose any alterations to either the NTO or area of regulation as we deem appropriate based on that data and further that the entire matter be set for regular reviews 6-months hence.

Commissioner McCown made a motion that we accept it as you stated.
Commissioner Houpt seconded.
Houpt – aye Martin – aye McCown – aye

Don stated he would be in touch with Jesse and Mike perhaps on Thursday.

Adjourn

Attest: **Chairman of the Board**

MAY 1, 2006
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, Mary 1, 2006 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

Michael Blair- resident of Glenwood springs-member and chairman of housing commission of the city of Glenwood Springs. Here to respond to and speak about the housing study presented to the BOCC a couple of weeks ago. There was a second study done for the city. Great source of information and hopes it can be of great use to city and county governments. Concern that it offers some great information and offers some suggestions on how to solve or ease the affordable housing situation for people employed within the county and the municipalities within the county. Solutions offered in the study are much too little and much too late. What it would give as far as affordable housing for people employed with the county is a piddling amount. 20 years behind on affordable housing. Cities and counties don't like to institute more and more regulations and require more fees for affordable housing. There has to be other solutions, which are difficult to come about. Don't want to subsidize housing just for private enterprise and private ownership. County does not want to get into high-density development and feels that high density development should be in municipalities. Strongly urges that the county start taking some leadership to start working with the municipalities within the county in high-density (affordable) development. Does not want it deferred to some other agency. Wants the county to work with cities and other agencies. Suggests that one solution could be to partner with private enterprise. Somebody has to find a way to get it paid for unless we are going to start subsidizing housing which we do not want to do so far.

Tresi-I have a comment and a couple questions. The housing trust fund for housing that was organized was organized by the municipalities and county for Roaring Fork portion of Garfield County and including Basalt-that is a municipal and county effort because our managers are on that board and keep that dialogue going on a regional basis. But we need to extend that dialogue west as well and I see that. My question is and I also agree that it is a critical discussion that we should discuss with out municipalities, where do you draw the line when you define subsidizing because if you talk about a public private partnership, the public sector has to bring something to the table. In many areas they are bringing land to the table and helping to defray that cost for developers.
Blair-doesn't know if there is a fine line to draw there. Because no matter how we look at it, local governments are going to have to participate in some way. Any participation could be considered a subsidy. So there is going to have to be some sort of participation. We can call it a subsidy, partnership or whatever.

Tresi- So you would agree that we have to get the point where we would subsidize. I don't know how you would do it if you do a public private partnership.
Blair- It doesn't have to be a direct subsidy, out of pocket cash or anything like that, but there can be other times of participation. I think there is going to have to be to make it work. That is why we all need to get together to agree on how we are going to do that.
McCown- I think even beyond that, Mike we've got to get to some philosophical agreements on what is going to be allowed for affordable housing. I know that some of the towns are very reluctant to see rental units come in. They want all owned units or deed restricted units, single family housing and as we know that costs more and doesn't address the immediate concerns of the affordable housing. Rental units are what it is going to take to answer the concerns and so far none of the towns have come running forward with open arms and going you can put your high density rental units in our town.
Blair- In fact they have been rejected in several instances
McCown- yes, yes they have. There is that problem that we have to get past.
Blair- There is several first tough steps to take and that's why I urge us to get started on that. What we have tried so far has not seemed to work. You guys are the smartest people in town.

Martin- I don't know, look which side of the desk we are on. That's also why I suggested if its going to get done the county is going to have to build it some way. The county is just going to have to physically build it and get it going. They are going to have to be rentals. If we can't do it within the city limits then it will have to be done outside those corporate limits with agreements with sanitation districts and water districts and get it built.
Blair- In nobody's back yard.
Martin- I suggested a good spot in high-rise and high density but somebody thought that was a joke, but it isn't it is a reality.
Blair- No it isn't a joke.
Martin- We need to do it.
Thanks Michael.

Martin- We have had a special request from the Garfield County Attorney

Don- Mr. Chairman, because of scheduling difficulties, I would like the board to assemble an executive session for a few minutes to discuss and receive legal advice from our department and discuss a personnel and budgetary matter concerning the sheriff's department. I think were are only talking about 10 minutes but Denise has a court hearing that she needs to prepare for and attend in short order.
Martin- Who would you need at that session?
Don- Denise Lynch and the Sheriff

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to adjourn to executive session.
Houpt - aye Martin - aye McCown – aye Carried
Motion to end executive session.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to end executive session.
Houpt - aye Martin - aye McCown – aye Carried

COUNTY MANAGER UPDATE – ED GREEN

a. Consider the approval of a grading permit and road cut permit for Kevin Story, located on Sweetwater Road.

Mark Bean, Andy Schwaller, Jim New of Leavenworth and Carp, Carter Page of Gamba & Associates, Jeff Nelson of Garfield County Engineering Department, and Bill Rogers were present.
Andy passed out 2 pictures and a map.
Andy started.
Non-permitted storm drainage work was done on Mr. Story's property late summer or early fall 2005. The Road and Bridge Dept viewed the work done, and it was determined that potential damage could be done to County Rd. 150 (Sweetwater Rd) and possibly also to Mr. Rogers's property, a neighbor to Mr. Story, as a result of this work. The situation was presented to the BOCC and the Engineering and Road and Bridge Dept were asked to review the situation further. Jeff Nelson and Marvin Stevens did a site visit and Jeff prepared a set of recommendations. See letter dated Thursday, October 20, 2005 from Garfield County Engineering Dept. Included in this recommendation was a requirement for Mr. Story to obtain a grading permit. Mr. Story applied for the permit on October 20, 2005. The Engineering Dept. reviewed the application and requested additional information. The rest of the items are related to trying to get the channel to its historic flow values. (See letter dated October 24, 2005 from Engineering Dept). Mr. Rogers also had some comments related to Jeff's letter dated October 20, 2005. See letter dated November 16, 2005 from Mr. Rogers. Mr. Story had Gamba and Associates generate a design to mitigate the drainage work done. This design was submitted to Jeff for review. Mr. Rogers also requested to review the plan submitted. Mr. Rogers' comments can be found in a letter from his attorney. (See letter from Mr. Olszewski date March 31, 2006 in packet). Jeff Nelson requested an outside Engineer to review the Gamba plans to review the design criteria as well as the final project. (See Resource Engineering Inc. letter dated April 19, 2006). Michael Erion's comments are included in a final design as amended by Gamba. (See attached Transmittal letter dated Monday, April 24, 2006 from Gamba). At some point there will be water in that ditch, probably sooner than later. There has been some problem getting everything in and bringing it before the board. At the bottom of that letter, we request in advance that if the BOCC has any comments relative to these plans that we be permitted to make the necessary revision in submit them for approval to the staff to try to speed things along, in case we get a gully washer some time next week or soon.

Staff requests direction from the Board regarding the issuance of a grading permit based on the above amended design. Also, what if any additional requirements or conditions are needed to be made a part of the permit.

Gamba is here and so are engineers. Jeff is here if there are any questions. We do have extra sets of the plans but, you might need to spread out to see. I believe that Mr. Rogers would like to makes some comments as well. What the staff is requesting is once you hear everything, tell us what we should do about issuing the grading permit. There might be some conditions to the grading permit; there might be some comments that need to be added to it. That is the direction we are looking for.

Martin - Thank you Andy. Are there any questions for Andy at this time?
Houpt & McCown- Not at this time.
Houpt- There will be.
Martin- Who would you like to go next, Gamba?
Page- In front of you, you have a set of plans that has been revised to reflect the most recent comments made by Michael Erion of Resource Engineering. They include changes to the height of the channel on either side of this ditch excavated by Mr. Story. Such that above the berm the heights of the channel will be the same. Currently the left or west side of the channel is significantly higher. The county engineer recommended that they be made the same so that there isn't any propensity for flow or debris to go to the east, towards Mr. Roger's property. That is certainly an easily accomplished thing, time and money. The construction of the berm includes a substantial cutoff wall. This is not intended to make this as a damn and I want this very clearly understood by all parties. It is merely to prevent the entire structure of the berm from becoming saturated. We do not particularly care about the upstream side of it, it will be fine. But we do not want the downside to become saturated. That is the purpose of the cutoff wall. In Addition, it has a small 6 inch drain pipe beneath the berm to drain nuisance flows out of areas behind the berm so that we are not creating a damn. Structure very large-110 feet at its base. The top of the control structure is about 7.95 feet above existing ground. The control structure itself is a level trapezoidal shaped concrete weir

which will limit flow and keep it within a reasonable capacity of 6.7 CFS. The 100-year storm event which is what we modeled for this property, pre-development is 20.04 CFS. Post development for that same area is 20.38 CFS. That is a very minor change in the amount of flow and that is conservatively evaluated. So, we're not going to let any more flow through than what has historically gone down. The shape of this channel and the size of it is based on some early measurements that were made by us before this deep channel was excavated. I think that is about all I have to say , any questions?
Houpt- Obviously the initial work was done by Mr. Story to alleviate some potential drainage problems he was having on his property and it created problems for neighbors and potentially the county rd. Does this address the initial concern that Mr. Story had as well as the concerns that have been brought forward by us?
Page- It is a partial address. This channel as deep as it is and as wide as it is will have some storage capacity behind the channel or behind the berm rather. This will help mitigate issues. But this is not the final be all and end all of what he proposes to do. That said, every thing that he does in the future will be done with the County grading permit. He has other plans for this area to improve the appearance of the site as well as the functionality and the end result will be a much improved drainage and particularly debris situation then was there even before he started the work. That site has had debris and drainage problems I suspect since time and memorial. That is a alluvial fan and it has had significant events with signs all over Mr. Story's property. The ultimate goal is to reduce that both for him and for the county and neighbors.
McCown- Our existing culvert under 150 is adequately sized to handle the projected flow that would be put into that because that is the end receiver of all of this water.
Nelson- I would say if you ran the calculations it fairly meets it. That is not counting debris or anything. I believe it is a 15 inch, so if you ran the calculations, yes it is adequately sized, however, if there is a debris flow that somehow gets around it, it will fail.
McCown- Any of them will fail if you flood
Martin- We have seen that up there too, haven't we? Other questions? All right Mr. Rogers.

Rogers- My property is immediately adjacent to Story property on South and East side. We have been there since 1990 which was before the Story house was even built. We have seen that property change over many years and different things that have happened. I got these plans on Thursday and Jeff was very kind, came out and we looked at them and he looked at the property there and there was an update on Friday and I got a copy of that and reviewed it over the weekend. I think there are some things from my point of view that it is important for people to know. I have to get into a few things that I think are, maybe it is wrong of me to do this, but I need to express these thoughts. This has been going on for some time. If you go back to 2003, there happen to be some changes made up there right where the irrigation ditch crosses up high and the waters coming out of the canyon. Mr. Story decided to dig a big ditch that goes 90 degrees and dumps every thing on the Roger's property. Which is illegal and against Colorado law? This just happened to be in an area where there were a few trees and it was very hard to see and very few people knew it was there until I went up and I ride the irrigation ditch up there and I saw this thing. I was a little upset about that and I talked to Mr. Story about that and he refused to fill it or change it until he talked to his lawyer and his lawyer told him to do it. This was absolutely something he could not do. If you look at the fan shape of the washout coming out of canyon, granted some goes straight, the road took a hit, sometimes my property would get some but most goes on Mr. Story's property to the right or to the west and headed towards that culvert. Talked to geologist from the Colorado department of geology, and she said clearly people can not change things where they get something less and I get more. I was thinking about that after this 90 degree angle turn and the 2003 change was done without permit. This was done by him period, he (Story) did not consult with county. Summer 2005 this big ditch gets dug again without a permit. No thought at all about that. This ditch is over 400 feet long, currently on his side, the west side, soil is built up and it is a huge side for him. My side happens to be much lower and water comes straight down this thing as it comes out of the canyon it makes a little bit of a turn and angle to the east more towards my property and there is a shed of mine straight across the road that would be hit. This is a problem for me because I want to restore that shed. That is not the way most of the water used to go. This is a ditch that is in spots that has to be at least 12-15 deep in areas. This berm that they want to put in, is down where this berm is going to be 7.5 feet tall. I think it is in a low spot and I'm glad to hear that they thought the drawings were wrong on the upper part where they had their side way up high and again my side low. Now they want it even, but I would argue that even is not the way history had it. Most of the water went onto his property crossing towards that culvert. At the time he was digging this big ditch, Mr. Story needed more soil on his side. Eagle County got permission from him to start dumping soil there. So he was building up the west side and the east side was taking another hit. If you look at the pictures, I think the ditch drawing is important and very misleading. I think if you look at the picture that is on this particular permit thing, this is not the way the property looks. It does not show the ditch at all which is very misleading. Summary of the things are: gigantic ditch was built illegally without permission that is aimed at the county road and my property and my shed that is not the way you do things. Now the plan is since we have this big ditch, how can we do it? Well I guess we will do something where he gets zero water on his property; I will get all debris and water that makes it over the hump. I think that is a little more than I used to get. I think that is wrong. I would hope there is some consideration there. Was I ever asked or consulted, did anybody ever come down and say "Hey we want to do some building up there and I have some problems with that runoff, how can we handle this? No that was never done. They just charged ahead and did something without permission and then we approve something that they like, but I was never talked about or consulted. No, I am opposed to it.
McCown- Mr. Rogers, have you had your own engineer review this.
Rogers- I do not have an engineer but I could get one.
McCown- I was just wondering if you had professional advice.
Rogers- I just got this Friday noon and over the weekend no.
McCown- You keep referring to the east. Southside would be across CR 150.
Rogers- The road does not exactly run east to west. It kind of runs at north south
McCown- I would refer to this map, your property would be below Cr 150.

Rogers- Exactly and on the other side of the road it runs up that side.
(Discussed positioning of Mr. Rogers property on map)
McCown- Any debris that would come onto your property would first be impacting CR 150 as well
Rogers- No because I have property on the east and northeast side of the road so there is property there where water and debris comes off before it hits the county rd.
McCown- Is the shed across the road?
Rogers- Yes.
Houpt- I Have a question for Jeff. As you look as these plans will this put the whole condition back to where it historically has been in terms of the ultimate flow patter or if we changed it , (had it been changed) and will this maintain that change and redirect it onto the neighbors land.
Nelson- I will give you a quick statement from me but I would also like to have Carter Page respond to this as well since he is Mr. Story's engineer and he designed this system. When we first got into this situation, we wanted to look at a 100 year event which it typically higher than we look for in this county. I wanted that to protect the county road. What he has come up with is something that handles the 100-year event or peak run off so in theory it takes the peak off and allows a 6 inch pipe to drain, which had drained historically down to that ditch, over to the culvert. Historically another situation that we have out there is that it is a fan; in theory the water drains along the ridge, falls off drains along the ridge and falls off. So in theory you have a high point so the drainage sometimes goes east sometimes goes west. Now with this design, what he has come up is the 6 in drainage comes down and only goes west.
Houpt- So if there is a change, the change is a direction is more to the west than to the east.
Nelson- Right. However, if you have a huge event, it is still going to be just like historical events, it is a steep erosive hill side, much similar to what we have here in Glenwood on the east side of town.
Houpt- What I heard earlier is that the 2 sides of the ditch are going to be equalized.
Page- Above the berm
Nelson- At the weir device. At the device it will be lowered on the west, so say it did fill up with debris it has a better chance of spilling over to the west, Mr. Story's property) and get into the road into the ditch and traveling west into that pipe.
Page- It is hard to say with an alluvial fan in what direction an event will take. It could all have come down onto Mr. Story's property, it could have come partly down onto Mr. Story's property and partly heading further to the east. It could have all been turned and gone to the east. It is hard to say. In fact you cannot say one way or the other. Because large rocks come down and plug up existing channels, trees, brush all kinds of things happen. It could have easily have turned towards the west and gone completely towards Mr. Roger's house, it is my understanding that in one event in the past it has done precisely that. The previous owner had done some work up there to prevent that from happening because he owned both pieces of property. The existence of this channel, while it was done without permit and without consulting anyone does alter the events; it alters it in a positive way in that we are pretty much assured, barring massive collapse of the hillside behind and above this area that the flow is going to go down this channel. It is a very, very pronounce channel as Mr. Rogers rightly states. In some places it is about 15 feet deep. We sited this berm where we did so that we could prevent any flows if we had the berm way up high on the property and it overtopped it would be far more likely to try to choose a path to the east or west and potentially injure Mr. Rogers. This location is low enough down that I am reasonably confident it is not going to do that. If there is a problem, it is going to go to the west. As is correctly shown on the plans and has been stated here. The left or west side of this channel above the berm area is noticeably higher than the east side. The proposal is to make those channel tops even above the berm. If it is a major concern, I don't see why we couldn't transfer a lot of the earth on the west side over to the east side and make the east side a little bit higher. The channel, one of the things requested by the county was that we develop a channel down below this berm to direct the ordinary runoff water to the west. There are 2 culverts that it has go through to get across the county road. One is a culvert across Mr. Story's existing driveway and that is a very small 12in cmp. To get across the county road it has to go through a 15 in cmp. Those are going to handle small flows, nuisance flows, and anything that comes out of the 6 in pipes will be directed through the culverts. If there are major debris flows that come down and over the top of this berm, it is not going to handle that. In order to do this we will have to do some grading out in the middle of a county right of way in order to improve the channel and reduce the potential damage to both the county rd and Mr. Rogers. I would like the commission to be aware of that.
Andy- Certain amount of maintenance will need to be done after an occurrence to clean out the drain.
Mr. Rogers- If they could lower the west side that is a reasonable thought. I've been told by some other people that maybe there should be more than one berm along that whole ditch to stop things as they come out. If you look at the little gravel pile protecting the place where that pipe is, that is going to go the first time it is hit with mud or rocks. 2004 had 4 mudslides along the whole road in different places. I want to point out on the Westside drawing/eastside drawing that the transfers the cross section, they put in this theoretical original ground service and that is incorrect. They make it look like a ditch. That ditch was not there. The ditch came out of the canyon outflow and extended obliquely straight towards that culvert. That has been changed. I think the last thing I would like to say is this culvert is nice, it goes through under the road, but then again it is still my problem. I get all water on my property instead of this thing fanning out and being absorbed by soil that is on the north side of the road, I get in on the south side of the road. No water on his property and all on my property. Frustrated and knows the BOCC will work it out.
Houpt- I would like some response to the water flow issue that is being channeled down the hillside now and what the thought was behind that and what kind of impact it will have to the south side of the road.
Page- We directed water flow to the west at the request of the county and I personally see no problem with putting a small berm adjacent to the County Road so that the water splits and divides goes potentially east and west. The only problem with that to the east there is a low spot in the county road immediately opposite Mr. Rogers driveway. There is no culvert there and the ditch peters out and ends. Any of the flow that would naturally come down to the east would simply spread out and come across that low spot in the road and some of it would go onto Mr. Rogers's property in an ill defined location and if that is preferable to Mr. Rogers and the county that is what historically would have happened.

Nelson- Mr. Page could you maybe briefly explain the historic flow that came down there and then what is going to come down there now. Maybe that would clear up with all parties and Mr. Rogers what has historically come down.
Page- Unfortunately we do not have a 25 year event. The 100 year pre development was 20.04 cfs that is a lot of water but is way less than what this channel; this ditch excavated by Mr. Story can carry. I did a calculation on that and I apologize I do not have that with me. It is well in excess of that value. I do not anticipate any flows up to and including the 100 year event even including the 1.6 factor for debris flow ever going towards Mr. Roger's property. I would like to address a comment he made about the drawing showing the cross section of the berm and we are looking north, he points out the line showing the approximate original grounds. That is totally imaginary. There was a small channel in that area at some point. I do not have any idea what the ground looked like there. All I am showing is that an excavation was made. The intent is to show the cutoff wall the weir was excavated well into native soil, at least a foot. You are not trying to place something on fill. He (Rogers) made a remark about the small amount of gravel placed around pipe will get washed out. It certainly will. There will be maintenance involved with this. The purpose of gravel is not to deal with a large event but to act as a filter for triple flows is so that the pipe does not get filled out. The pipe is about 110 feet long and it will be somewhat tedious to clean it out. It will have to be jetted by sewer or something like that. Or flushed with a firehouse. It will require maintenance.
Martin- Jeff did that satisfy your question?
Nelson- I wanted everybody to understand that historically there was a flow right needed. Historically there was flow that traveled down and who knows where it went. Sometimes it went through the fan, sometimes it crossed the road.
Mr. Roger's-on red paragraph on the drawings gets one day for cleaning, who is going to do it and when
Houpt- Historically this has been a difficult area to maintain a level consistency of flow in. I do not want to hold Mr. Story responsible for fixing a problem that is naturally occurring. I think what he is doing is mitigating some work that he did that changed the historical flow, but I think as we come to a conclusion on this we needs to be fair to Mr. Story and understand that the area historically has had some problems and we can only hold him to what was in place at the time that he started digging in that area. What I am hearing today is that it is being worked on with these plans. When we have a situation like this, where a CR goes through a problem like this where there is a historical flow problem and we have culverts that go under our roads, do we help maintain that or is it the property owner who takes care of maintenance?
Nelson-Road and Bridge, that is in their department. What usually happens anything adjacent to the road or under the road, they maintain it within their 30 foot prescriptive or their actual recorded right of way. Offsite, on Mr. Story's property it is important that this be maintained. No regulations in the county that I know of for maintenance for how and when Mr. Story will maintain this.
Houpt- What kind of maintenance schedule are you talking about?
Nelson- After an event, if it happened in a month, he would have to be out thee 3 times if not more to, whatever it takes. That is what we don't know it is so hypothetical. Some events he will probably take a week to clean up. What I am stating is if it is not maintained, the chance of failure in just crossing the road, just anywhere is untold.
Rogers- I don't know if you have read or gotten this pamphlet, the woman geologist Celia Freeman, I think her name is, she makes this comment in here that "Under no circumstances should a plan create or increase the magnitude of a problem associated with debris flows to adjacent property. I think this is definitely doing this for me. I hope you consider that because it is a major problem. I think my biggest thing is the property now for me, is that they have minimal debris or water coming down and it is going to be all on me.
Mccown- I have a real problem and I understand your concerns but everything I have heard from the engineers today is the historical flow of that water at some point in time be it through a sheet flow or whatever ended up at CR 150 and across that road and onto your property anyway. What I am hearing today is that we are capturing that and controlling the flow and diverting it to the west clearly to a culvert that would clearly go onto your property which clearly goes onto your property now. Now we have the ability if you would prefer it to let that sheet flow back to the east, cross the road and come right to your house. If you would feel comfortable with that historical event. I do not want it running across the county road, I don't think that is the best place for it to go. It will go straight to your house if we do that anyway. I can't image you feeling comfortable with that even though that is historical. To me we are improving this situation with what I am hearing proposed today. Yes, you are going to have water crossing your property but it sounds to me like you have water crossing your property now.
Rogers- We have water crossing the property, I guess my big concern is that, I'll admit that I am not an engineer, is that in 2004 there were at least 4 times that mudslides went across the road. There was a big one that almost hit this house. In all of those things fan out and people that are involved in that particular section are involved with the mudslides and rocks and everything else. To me this thing is being built and it is huge up on top and Mr. Story had not problem period with any part of this except maintaining it maybe and everything else is my problem below it. That is an improvement in a lot of ways, yes, your controlling somewhat, but it puts me moving from a certain percent of all of this to 100 percent involved. I would be that the 7.5 foot thing if you look at what happened on at mile 2 on Sweetwater Rd that the 7.5 foot thing is going to be out of there, boom. If you put in multiple berms, that would be a problem for those slides, they would not get much progress because it would hit one, have to get over it , hit the next one, etc. I think 3 or 4 berms along this huge ditch would make a huge imprint on any slides. I think that would be very helpful. That would be the best thing that could happen.
Houpt- Any response to that from the engineers?
Nelson- Obviously Mr. Story hired engineers to come up with an engineer's design of record so obviously I would have to say that Mr. Page should comment.
Page- If the berms constructed along this one were smaller and lower I can see that you will be trapping debris in smaller areas and trapping it multiple times. There is a limit to how much berm will trap, I don't have a number for how much but it would not trap 100 percent. Neither will a whole series of berms. They

will spread out the flow, but I wouldn't want to see them very high because I wouldn't want the risk having them overtop and go west or east up higher on either of these properties. I think it is better to channel down lower where I can't say for sure that all is going to go to the west. A massive debris flow from this hillside that fills up this berm ad then continues with more flow, it could easily to clog up Mr. Story's driveway culvert which is only 12 inches. That is going to be clogged up with the first rock that rolls down. It will create a problem for Mr. Story in the lower portion of the property and very likely it is going to overtop the road there. That is not significantly different that what would happen if he hadn't constructed anything. If we trapped a certain amount of debris above the berm, arguably it is a better for both Mr. Rogers and county. He is not necessarily getting 100 percent of this. In fact I believe he is probably getting a lot less than 100 percent. The possibility always exists in an alluvial fan that 100 percent of it turns, changes direction way up high someplace probably above the ditch and 100 percent of it goes onto his property. Now whether it ends up across the road on his property or just on his property that is across the county road on the north and east side of the county road, maybe it would all end up in that flatter area. It is hard to say, actually impossible to say.

Martin- Other question?

McCown – I think it is one of those unenviable positions where we will not be able to please everybody no matter what we do. I think what I have seen presented today regarding the issuance of the grading permit is a very good faith effort on Mr. Story's part along with his engineers and I don't think we can out engineer mother nature. I think this is the best case attempt to do that considering we are using the 100 year flood event. In most cases that is a tremendous over build.

A motion was made by Commissioner Mccown and seconded by Commissioner Houpt to approve the issuance of the excavation permit. Mr. Story's responsibility would be to clean and maintain this structure at the end of every event no matter what it is, whether it is insignificant or a major event so that this structure that is being constructed continues to function as designed. Garfield County will be responsible for the ditch once it is improved as part of this grading permit. They are asking permission to come into the county road and improve that drainage and I think that would be appropriate, but after the time of completion the county will be responsible to maintain the bar ditch just like we are on any other county road and the culvert that crossed county road 150.

Houpt- So often good communication helps us not get to this point so I think it is really important to communicate with neighbors and through this process even in building this structure I think it is going to become imperative to stay in touch with Mr. Rogers, so that he knows what is going on.

Martin- I am also taking testimony that you included in your motion all testimony etc. Which is standard, making sure that the berms are evened out on each side, the vegetation and the enhancement is part of the testimony that Mr. Story will due, that the weir itself is concrete and will be maintained after events, etc, only one thing you did miss is that we address it in one year to make sure it is working properly, that we can review it in one year. I would like to see if we can do that.

Mccown- This is not a conditional use permit so I don't know if the county attorney wants our attention, but I think it will be reviewed.

Martin- I think so too, especially if it fails it will definitely be reviewed. I was just hoping that we could just have an automatic review after one year.

Deford- Based on what I have heard, it seems like the motion should also include authorization to issue a right of way use permit since work will be required in the county right of way.

Martin- I think Larry hinted at that.

McCown- That would be an assumption on my part. I'm sorry I didn't include it specifically but yes

Martin- so we have an adjusted motion. You also second that?

Houpt- I do.

Houpt - aye Martin - aye McCown –aye Carried

b. EQIP Weed Control Grant Award to Conservation Districts.

Steve Anthony and Dennis Davidson NRCS were present & Wayne Gypsum.

See map in packet.

Davidson- While he is setting that up, I might go ahead and talk a little about the program. We had an opportunity to apply for or fill out a request for proposal in the state to have a portion of $1,000,000.00 that are state conservation service set aside for weed control. Steve along with Wayne of Big Country RC & D prepared that request for proposal and we were successful in receiving that proposal for a portion of Garfield County. I want to thank Steve and Wayne for actually doing that request for proposal. It probably would not have happened with our work load in our office.

Steve put a map up on the big screen which is the same in the packet. Steve presented.

January 2006 the Natural Resources Conservation Service made up to $1,000,000 in available Colorado for the Environmental Quality Incentives Program (EQIP) funding. The Call for Proposal stated that the program would be offered in limited geographical areas for watershed scale projects that focused on newly emerging noxious weed species. High priority was given to proposals that focused on at least two of the following species:

List A Weed: Meadow knapweed, Mediterranean sage, Orange hawkweed, Purple loosestrige, Yellow tarthistle.

List B Weeds: Absinth Wormwood, Black henbane, Chinese clematis, Diffuse knapweed, Oxeye Daisy, Plumeless thistle, Salt Cedar (Tamarisk), Spotted knapweed, Yellow toadflax.

It also stated that Russian olive may be also funded in areas infested with salt cedar.

This funding can only be utilized on private land through contracts with individual landowners. In March 2006, Garfield County, the Natural Resources Conservation Service, Colorado Big Country RC&D, and the Southside and Bookcliff Conservation District submitted a proposal that focused on the

management of salt cedar, spotted knapweed, and Plumeless thistle. The proposal emphasized private lands in watersheds that flow into the Colorado Rifer from the south from New Castle to Parachute within the Southside and Bookcliff Conservation Districts. (See map)

These watersheds are: Alkali Creek, Garfield Creek, Divide Creek, Dry Hollow, Mamm Creek, West Mamm Creek, Beaver Creek, Porcupine Creek, Spruce Creek, Cache Creek, Battlement Creek. This funding may be used in conjunction with the Cost Share program and give county residents a unique opportunity to receive assistance in the management of the "expensive to treat" woody species of tamarisk and Russian olive. A request was submitted to NRCS for $125,000. In early April we were notified that NRCS will make up to $120,500 available for the aforementioned program. This is the good news. This is not a grant like we are used to. Nobody is going to see a big check. Dennis will explain how that works with EQIP.

Davidson- What we will be doing is writing a contract with each individual land owner. It will be their responsibility to come up with the other 50 percent cost share. It works just like all of other EQIP cost share programs whether we are doing irrigation work or whatever. So the land owner will actually have to come in and sign up. They will have to meet the parameters set up in this request proposal. I am not sure what the cap will be on each individual contract. The tough part of this is the treatment of tamarisk is very expensive. Owners will have to meet the county. We saw this coming and our district made a request to Encana and they have indicated strongly that we will receive a $50,000 from them that we can use to help offset that as well as receiving different lands whether it is associated with weed control or whether it is associated with just redoing pastures. It will not be anything that the gas industry as destroyed as part of what they have to do as far as reclamation. It is outside of those parameters that the EnCana money is going to be spent for.

McCown- Dennis, are any of these ditch companies eligible for this money. A lot of these woody plants we are concerned about, the tamarisk, the Russian olive they are all grown along the ditches.

Davidson- We can work with the ditch companies to do that but it is difficult because we have to have each individual on the ditch sign up and be a signature to the contract. But it can be done.

Mccown- What I was thinking is, I don't know if it is available or not, but if we go to the ditch company and most of them are a quasi taxing entity then they would also qualify for the work crew from DOC to help actually cut…

Steve- Actually DOC has told me that they would do the work on private land.

McCown- They will now?

Steve- Yes they will.

McCown- That will be a double edged sword.

Davidson- If we put the county cost share program dollars in with somebody else, then we are going to be able to help a land owner out significantly more than the 50 percent cost share if they will step up and use the other grants that are available.

McCown- Does this cost share have to be hard dollars or can it be in kind work?

Davidson- the EQIP dollars can be in kind work. It is 50 percent of what it would take to do the whole job.

McCown- His could be labor and…

Davidson- His could be labor and equipment and we would give him the full credit for those inputs.

McCown- Tamarisk burn at Mamm creek and the clean up worked great.

Martin- That was last week and really smoking there.

Davidson- Sign up period for this EQIP period will go for 19 days starting today, so it will go to May 19th.

McCown- How do we get the word to all the people?

Davidson- There should be an article coming out in the paper today or tomorrow. I didn't see the paper yet.

Houpt- Donna is nodding her head.

Davidson- Donna got it I think maybe Friday.

Martin- Has anybody been beating down the doors?

Davidson- They haven't been yet, anyway but I left the office before 8.

Martin- Let's hope we get many requests when you get back.

Davidson- One other thing I would like to mention, is that the Eagle county weed person also applied for this same grant. It was for the Eagle district which actually takes in the Sweet water area. So the Sweet water area is also available for this through that side up there. Been a good year for us. We have had a number of sources of cost share money available to our land owners through the Salinity program between Silt and Rifle has brought in $400,000 worth of cost share in. We've got a number of cost share projects going in right now there and regular EQIP program has brought about $700,000 worth of cost share into the county. We have seen a lot of influence of cost share dollars coming in with a lot of land owners doing work.

Martin- There are a lot of applications in there on the shelf that I have noticed as well. It was really nice to see a lot of names on the shelf, that shelf was full this year. It was clear full.

Wayne- I would like to thank you on behalf of Colorado Big Country for your support. Mr. Anthony is on our board and it is just wonderful that you support it the way you do.

Martin- It is all our land and we need to take care of it.

Steve- If I could get off topic for a second and mention West Nile, I just wanted

Martin- West Nile, all right go ahead.

Steve- Today, The State Department of Public Health and Environment is kicking off their West Nile meeting and there is a video conference going statewide as we speak. It is at Valley View Hospital so you can head over there. Colorado Mosquito control has started and they will have a hotline number. I apologize that I do not have that with me. We will get that in the Post Independent. If people have issues people can call Colorado Mosquito Control at the hotline number. Everybody needs to be aware that this is the season; we have standing water followed by hot weather. Get the donuts out; they should be available through the valley at the local stores. Get that on the radar.

Martin- Jesse we have a lot of people waiting, would you mind if we postponed your 2 items?

Smith- Not a problem, here all day.
Green- As a matter of fact, for 2 of those items we need to have an executive session anyway.
Martin- not f & g I take it.
Green- no d & e.
Martin- Lets go ahead and postpone those items and do f in reference to Marvin and his vacuum trailers.

f. 130 Barrel Vacuum Trailers.

Marvin Stephens and Tim Arnett were present.

The contract administrator received a request from Road & Bridge to issue a Competitive Bid for procuring two vacuum trailers that come equipped with JUROP R-260 pumps and 30 horse power diesel engines mounted under tans so trailers have various options for loading water throughout the County. The Road and Bridge Department will use the trailers to water various roads with the spray attachments mounted on the rear of trailers. A legal advertisement was placed in the Post Independent. We received two responsive bids, with Rifle Equipment, Inc. submitting the lowest responsible bid of $105,701.00 for both trailers.

Arnett started.

Arnett- We are here to request 2 vacuum trailers which they will use to water the roads when they mag, which can haul a lot more water than a regular truck.
Martin- These are brand new, they are not the used ones?
Arnett- No, they are brand new. They can self load and have diesel engines underneath.
McCown- Is this cost quoted each or for the two?
Arnett- That is for the two.
McCown- I guess my only concern, and I know we clearly need the ability to carry more volume of water, but it concerns me that we are also going to be taking 2 of our tractors that we can also use to haul gravel. So we are taking out of one pocket and putting it in the other. I think we need to look at maybe during the summer renting a couple of tractors to put under these when we're using so that we don't cut down that extra 7 ton of gravel on a trip
Marvin- That's what my intentions are to do that and then farther down the road maybe a couple of our dump trucks we can turn into tractors when we get ready to upgrade them.
McCown- Keep them and use them for part time tank trailers
Marvin- Makes more money for us then selling them, they are not worth a lot.
McCown- I knew you were on top of it.

Recommended Board Acton: Procure two (2) Troxell Vacuum Trailers from Rifle Equipment, Inc at a cost of $105,701.00.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid to purchase $105,701.00 two Troxell vacuum trailers from Rifle Equipment.

Houpt - aye Martin - aye McCown – aye carried
McCown- Let the record reflect that these are not 130 gallon but 130 barrels.
Martin- That is 55 gallons per barrel.

g. Sale of Taughenbaugh Building

Tim Arnett was present.

Briston Peterson dba H46 LLC placed a bid in the amount of $373,500 for the Taughenbaugh Building in Rifle. A personal check was submitted in the amount of $37,350 as 10% Bid Security. In the event the bid is accepted, the instrument of conveyance should name the following as Purchaser: H46 LLC.

Green- Over a month ago we had a bid on the building for $373,500 and John you asked that it be put back on the agenda for further consideration. The issue is maintenance and safety associated with continuing to own a vacant building.
Martin- The other issue was we thought maybe it was under priced and what have you and we went out into the market and had our estimate done by professional etc. and the bid came back and we sent that back and said do we have another purpose, we checked with every department and we really don't unless we sell it to the open market, but we also made another promise which as I recall is that we would recover some of our funds from the new building that we built for the health and human services commission, that we would put that money back. So this is kind of in the way and if we can recover that money and use it for the projects we designed of the capitol that would be much better than having an empty, high maintenance building.
Houpt- Last time this came in front of us, it was my understanding that we were going to look into the cost of tearing the building down and making that land usable for potential projects. Where were we on that?
Green- The basic value of the building itself is about $20,000-25,000. So it will cost more than that to tear it down.
Martin- I think Tim went out and gathered some information for us to use when we revisited this issue.
Arnett- the Lift-Up building alone is probably going to cost around $60,000 by the time we get it cleared and filled.
Martin- the Lift-Up building, but the Taughenbaugh was a whole bunch different.

Arnett- This would be about 10 times that.
Houpt- What you are saying to us this morning is that this piece of property is more of a liability than an asset to the public? I do have a problem with selling property unless we are going to earmark that money to purchase other property, because it is at such a premium in this county and as we discussed during the public session this morning, affordable housing is a huge issue and I believe as a county we are going to have to start looking at private public partnerships. I am hesitant when we own a piece of property that could potentially be used for that opportunity to, to sell it unless we have a plan to replace it. So that we have that option out there.
Green- The plan originally for those funds was to defray the cost of the new building that we built last year for 2.5 million dollars.
Houpt- We had never agreed on selling the property so I don't think that was a solid conclusion.
Green- I think we did.
McCown- I don't know about an agreement, but there was clearly an assumption and statements made on the record that the building would be disposed of and those funds would go back into the capital fund to help offset the cost of the human service building.
Houpt- We voted the last time this came to us to hang on to that property for other uses. That is the last time we discussed this property. I am not opposed to looking at the practically fiscally of selling over tearing down the building and using it for another use. I am not prepared today to agree on where those proceeds should go.
Martin- I don't either.
Houpt- I think we need to look very closely at what kind of partnerships we can put in place for affordable housing. I think we need to look at what other needs there may be in the county. Land is a huge public asset and should not be disposed of lightly. This is really the first discussion I have been involved with this and I don't see any numbers. I'm sorry Tim; I don't see any numbers in front of us for tearing the building down. I truly believe you're your estimate is correct and in that case it makes sense not to double the liability by tearing it down or just to keep it as a piece of public land. But, I think when we own land, and we have that public asset, we need to look very closely at future needs and replace that land instead of putting it into obligations that we have committed to.
Martin- Well that was my original thought too, but we also used the money and said that we recover this. I tried to leverage it to again get a partnership as well as a larger price but I was unable to. It has come to our attention and administrations attention that this is truly a liability as well as a vacant nuisance. We can live up to our agreement to recapture $373,500 to go towards the recovery of the new human services building. I know, I had the same argument but I still think the new owner is looking at affordable housing.
Houpt- That was never an agreement. I want that to go on record. We never formally agreed to use that money for that building. It had been conceptually discussed but the last time we voted, we voted to hang onto that piece of property for other uses.
Green- I will say that in the 2005 budget, identified the sale of that as a revenue in the 2005 budget. We never achieved that revenue. We didn't sell it.
Houpt- We need to look what our responsibility as stewards of public assets is. I think it is critical to look at land as an important asset and the notion of looking at other pieces of property to replace this piece with. We have uses that we need land for.
Martin- That is why I went out and asked all the elected and department heads, etc to see if we could not find a use for this particular building, revamp it, put money into it, etc to do exactly what you are saying. I could not find anybody that was willing to go into that building, it is a disaster.
Houpt- The building is not worth saving.
Martin- When I looked at the estimated cost of the removal of the building, one third the size or even less that removal cost of disposal etc, etc. outweighs the sell price.
Houpt- John that is fine and I will agree with that but I will not agree with earmarking those funds to go into the Health and Human service building until we have had a complete discussion on what our future needs are.
McCown- It doesn't go to the Health and human services building; it will go into the capital fund to help defray those costs that have already been spent. We are just backfilling the capital fund.
Houpt- I don't think it should be backfilling the capital fund. I think when you sell a particular type of asset, if you still need that type of asset in the county that you should replace it. Put the check into a fund, but let's not forget what that money should be used for. We need to have a more complete analysis on where that money should go. Today I would say that money needs to go to the purchase of land to replace this piece of land which is a public asset.
Green- For this year it will remain unallocated. It will just be part of the capital fund balance.
Martin- Then you can make your decision on how you want to spend the capital funds and understanding that it was there for that purpose.
Houpt- I don't disagree that it needs to go into a fund, but historically we have money into different funds and it is just kind of money out there. We don't red tape that money or earmark it for certain things and we need to look seriously at replacing the land because land is at a premium and will just get more expensive.
Martin- But you can't purchase unless it is out of capital fund, so we just want to recover that and put it in there, bump the fund balance up and then discuss issues of purchasing land, etc. through the capital fund balance.
Green- We can certainly earmark it if you choose to in the 2007 budget. It is not going anywhere until then.

A motion was made by Commissioner Mccown and seconded by Commissioner Houpt to approve sale of Taughenbaugh building for the price of $375,000.00 which was the appraised value of that property.

Houpt -aye Martin -aye McCown –aye Carried

4 mile road

Houpt- Do we have a discussion on 4 mile today?
Martin- We will have to take care of that during Commissioner Reports.
Green- I had not planned on it during my time today.
Martin- I definitely had a phone call from a young man who said "hey these speed limits
Houpt- There was some people here, and I know Lou is here for that and other things too.
Martin- That was the first item we had today, citizens who were appearing with items not on the agenda. We went over that. But, we don't have an agenda item about 4 mile. I was going to bring it up in the morning, but…
Houpt- Marvin and Bobby are here, and some other people were here this morning but I guess they had to go.
Martin- and the sheriff is here. We will slip that in here about 4 mile and the speed limit locations etc for the northbound traffic from one road to the next.
Houpt-drives this road every day and had received several phone calls about the change of speed limit. 2 miles below construction zone people are being double ticketed for speeding in a construction zone. Trying to figure out construction zone. Heavy trucks that are on roads that are being privately maintained. The real issue the definition of construction zone is so big that it does not make sense.
Marvin- need to add more signs. Took 5 minutes to go through at 25 mph. Needs to keep work zone what it is.
Houpt- can you explain publicly the rationale for going the entire length.
Marvin- we have people working there the whole time and to protect the people working.
Jess- we had a meeting last week. As you come out of 4 mile at the top is a staging area. Flagging company would not take control for oncoming traffic unless speed limit was reduced. Serious safety hazard.
Houpt- Not much signage up and make sure people comply with the new speed. Is there any way to work with people who received tickets?
Lou- You can not undo a ticket. The construction zone is expanding. Be careful what you asked for. Resolution was passed.
Lou-went up there, saw a variable message sign. Several signs through subdivision. Pass dead man's curve signs. R&B and constructions sign decided the construction sign. People who tend to live on the road don't usually look at the sign.
Houpt-the first couple of days didn't notice the signs. Suggested signs that said construction zone but instead says double-fines. People are really defensive and concerned about the fact that they have received huge tickets. Doesn't believe that people were given proper notice for the lower speed.
Lou-not sure what speed limit tickets are being written for
Martin-are there enough signs for northbound traffic?
Houpt-people are aware now and we should use different signs.
Martin- make sure signage is appropriate and plentiful. If they receive a ticket there is an infraction hearing and people go in front of judge.
25 mile an hour zone heading away from a construction zone makes no sense.
Mccown-just because it is 4 mile road does not mean they should be treated any differently then where we do construction anywhere else. Does not just randomly pick where the signs go there are regulations on where they go. Tremendous inconvenience but hope we can educate them as to signage.
Houpt- much longer construction zone than on any other county road.
Lou- not my decision on the length of the construction zone or where the signs go. Speed limit is speed limit.
Houpt- does not disagree, not blaming sheriff's office. Didn't have enough warning for people pulling onto 4 mile.
Lou- we do what we can when people calling for extra enforcement.
Don- resolution that the board passed is from the bottom of 4 mile road to midland.
Lou- having a fixed zone instead of a floating one will cause fewer problems.

County Sheriff Update: Lou Vallario

a. The faces of Meth Presentation-Guy Meyer

PowerPoint presentation
Methamphetamine was once located in rural towns and on the west coast and has erupted across the United States and in now devastating countless families, children and neighborhoods. Meth is a powerfully addictive stimulant that has a high potential for abuse and dramatically affects the central nervous system. Meth is an addictive, and users can develop a tolerance quickly, needing larger amounts to get high. In some cases, users forego food and sleep and take more meth every few hours for days, binging until they run out to the drug or become too disorganized to continue. Immediately after smoking or injection, the user experiences an intense sensation, called a rush or flash that lasts only a few minutes and is described as extremely pleasurable. Snorting or swallowing meth produces euphoria, a high but not a rush. After the initial rush, there is typically a state of high agitation that in some individuals can lead to violent behavior. Other possible immediate effects include increased wakefulness, and insomnia, decreased appetite, irritability/aggression, anxiety, nervousness, convulsions and heart attack. More than 12 million Americans have tried Methamphetamine, and 1.5 million are regular users. Untold families who bought homes in recent years live in former meth labs. Some upon discovering their homes where filled with residue from acetone, red phosphorus and other toxic agents, have fled, losing their investment and a life's worth of treasured possessions. Meth addicts are pouring into prisons and recovery centers at an ever-increasing rate and a new generation of meth babies is choking the foster care system in many states. In 2004, 6% of the

total community corrections population was sentenced on drug charges. In 2005, this population represented 46.5% of the total population.

Jesse Winter used meth for 12 years. Left him homeless. He has been clean for a year now. Catherine McGrady. Used meth for 7 years and has been clean for 9 months. Huge problem in the valley. Meth addicts do couch surfing going from home to home. Cannot Detox from meth on your own. There is no place in the valley for help. Women in jail are losing their children because of meth abuse. Methamphetamine takes control of your life.
Martin- do you have family here?
Catherine- has a sister and got her hooked on the drug. You can justify anything when you are on meth.
Houpt- you said most people do not have options. What do you think would help?
Jesse- homeless had no place to go. Need a facility where people can go.
Lou- other than our Detox facility?
Jesse- something like that but with more support.
Lou- when you were at your peak, explain what was important.
Jesse- takes away your morals, your values and everything else. Hurts your family, you don't care whether you live or die.
Catherine- at the height of addiction, there was nothing important but the drug. You have to get the drug, cannot function without it. Did meth with a grade school teacher, RFTA bus driver, minister, young girls for the weight loss effect. It is not exclusive, coming in from everywhere. Break a law and go to jail, but people coming out of jail who said they made a connection in jail or learned to cook it in jail.
Catherine- when she got here 4 years ago not many meth labs here, in the last year of her use there were a lot more meth labs. You can get it off the internet or anywhere.
Houpt- would you say that it is a single use drug, one you use it you are hooked?
Jesse- yes, it gets a good grip on you.
Lou- unlike any other feeling so people get hooked on it. 30% is made here in this country 70% comes from other countries.
Houpt- thanks both of you and very courageous. Public education is critical, this is a killer drug.
Lou- very involved in drug enforcement since 1992. Meth is much more dangerous than the others.
Martin- so you would say not even once to meth
Lou- yes
McCown – The scary part of meth to me is the product that it takes to make it are all readily available. You don't have to have a product like cocaine, heroine, hashish, or any of the other drugs that would have to have a product that is readily available. The meth is all readily available to anyone. They are trying to make it a little more restrictive but, it is not working. All of the products are out there on the shelf.
Lou- That is always a reactive response to this. It used to be more available in some states. Colorado is even becoming more restrictive. When Oklahoma put all of there precursors, the Sudafed and things like it behind the counter and required a pharmacy to dispense them, there labs dropped by 70 something percent in this state. But, again that is hardly 30% of the problem. It is still a huge problem even with all that we do.
McCown- It does not address the neighbors on all 4 sides of them if they don't have similar regulations.
Lou- Catherine mentioned the internet, on the net there are more than 60,000 websites about meth use, how to cook it, how to make it.

b. 2005 year end report.

Lou Vallario present.

4 statistical charts representing our criminal activity in Garfield County for 2005. Each chart compares the years 2001 through 2005, however because of different and changing reporting capabilities and requirements, the most accurate years are 2005 and 2005.

Offense summary report indicates the number of cases generated by the Sheriff's office that were criminal in nature and required a report to be filed, as you can see, we had a 14% increase in the number of those cases over 2004. This is a good indicator of an increase in criminal activity overall, but not an accounting crime types.

The second report title, CBI states, indicates the number of cases submitted to CBI based on their reporting criteria. By comparing the number of actual cases reported and the number of cases cleared, we have a clearance rate of 54%; a 4% increase over 2004. Again this is not crime type specific. Hypothetically, DUI's have a 100% clearance rate while burglaries may only have a 20% clearance.

The third report titled, Calls for Service, indicates the total number of calls responded to by the Sheriff's Office. These include everything from the offenses generated in the first chart, to phone calls, to self-initiated activity, to other agency assists. Again, there is no indicator of the amount of time spent on these. It could vary from 5 minutes to several days. However, if you break down the number of calls for service by a daily average, we handle 92 calls for service per day. This is a 3% increase over 2004.

The last report titled Arrests is self-explanatory. We realized an 11% increase over 2004.

Emergency Management- Jim Seers in the emergency manager. To improve communications with the public, we have worked with the County IT Department to develop an Emergency Manager's page on the Garfield County Website. In addition to updates concerning the county, there are several links that the public may find useful. There will be a document about 20 pages thick and have responsibilities assigned according to the ESF system. We will have a matrix so that if we have a situation, we say ok we need

transportation we can go to that ESF and say who is responsible for transportation. Will be county and Regional.
Martin – I am requesting again to make sure the county, elected and administration is more deeply involved in those. It has been somewhat lacking with the knowledge and stuff. It is around some of the departments but not everyone. So when we have to declare an emergency through resolution etc., that document is a recognized emergency in the state that we know exactly what are responsibilities are. So, hopefully on all of those breakdowns you will have that responsibility of the administration and of the county commissioners.
Lou- Yes, we will. We have had a pretty good year plus. We haven't had a need to do that.
Martin- I just want to make sure we are there just in case.
Lou- One thing I did want to mention as far as getting communication out, certainly to the public is that we do have on the county website a page for the county manager and we will have current information such as runoff issues, fire, other issues, bans and other information links. Public can look for that and what is going on in emergency management.
Martin- then spring us a surprise practice event and see if we can respond.
Lou- We will be doing that. We work through the public safety council and through Homeland security which has requirements for certain times of activities and exercises and training and everything. I do appreciate the fact that Ed shows up at our public safety council meetings and he is a very active part of that.
Green- concern from our departments is some kind of exercise so that we keep sharp and we have not been doing that for quite a while.
Lou- through ESF is just not going to be a county department, more players in the game then there used to be. Several agencies in the county will be responsible for this. Exercise will not include strictly county officials.
McCown- is there a predetermined person or entity of responsibility?
Lou- yes there is- 15 recognized ESF: Transportation, Communication, Public works and Engineering, Fire fighting emergency management, Mass care, Housing and Human services, Resource support, Public health and medical services, Search & Rescue, Hazmat, Ag & natural resources, Energy, Public safety and security, Long term recovery and mitigation, External Affairs. Those are the 15 federally recognized ESFs. The idea is that just like had it worked in Katrina they would have had people in place to handle that. We are hoping to have those in place before something of an event occurs for us. All ESFs will have on a Matrix a person responsible.
McCown- Would you think it would be prudent if the county held operations within the county on how we would respond as a county? How would we as a county government interface and interact with your group? Do we need to have some table tops on that?
Lou- I'm just trying to say that it would be like the City of Glenwood saying how are we going to play into this? As just the city you may not but you may have your police chief, fire chief, or your public works director involved in this countywide plan. Certainly under those ESF regarding the long term resource support, long term recovery mitigation, external affairs, all that is certainly going to play a part at the county level. We've got the model. We used Jefferson County's , we've reduced it down to what works for us and now we are in the process of saying okay who do we want to plug in here and whose willing to take on this responsibility? Transportation is a great one. You may want to look at RAFTA 1, school districts 2, a third one 3 so if we have a need to evacuate people we can go over to whoever is assigned to transportation and maybe that is somebody from RAFTA.
Houpt- to get to that point, this is really an exciting notion because I like having everybody involved, once you decide what is going on you call on that matrix then you pull them into the discussion? They know who their contacts are and what the process is going to be.
Lou- Absolutely, if you have a situation, or an incident you would establish an EOC emergency operations center, those players would all be involved if there is a need, there may not be a need. If you go into numerous incidents where we have a fire over here and a flood over there you develop what is called a MAC which is a multi-agency coordination, but again the MAC as we used to do it was limited to county departments. It was a sub-MAC. It is a smaller MAC. Each city could have a MAC
Houpt- So we are never going to work separately as agencies, we're going to work together.
Lou- Everybody is going to chip in. Granted that is just when an emergency gets to that need. City of Glenwood, City of Rifle, City of Parachute they handle their own emergencies every day without any need for expanding. It is when it expands that we need more resources. We declare an emergency, we put our EOC into operations, or if we have more than 1 or 2 major things we create the MAC. The Mac is people in place that have decision making and resource capabilities. So certainly if we have a MAC, John as a commissioner of this board would probably want to be there because certainly we would have to go to him and say "we need 50 grand to do this" or you know. So that is where it all plays in, we just haven't gotten to the point where we have assigned this person as responsible for this or that.
Martin- Mr. DeFord will come down on me when I spend money and I haven't declared an emergency and I am outside my parameters. I think there is a protocol there and that it should be included. Just so everyone is aware of it.
Green- concerns with department heads is that their responsibilities are distributed under this new federal model and usually the event dictates how you are going to draw those in and the person that does that is really the incident commander. There really isn't a strong rally point anymore and that is the biggest concern because the MAC by default used to be the rally point. We don't have that anymore.
Lou- Again if you look in terms of county wide emergency response, that MAC which again just consisted of county department heads, employees, and elected officials they shouldered the whole load and now we are saying if we have a hazmat situation we can pull people from Rifle fire and Glenwood fire and Burning Mountain fire.
Green- I think that is great. We need a flag pole. I
Lou-I agree. It does rely initially on the incident commander because the incident commander is going to decide how big the situation is, what kind of resources he needs, do I have to get the EOC up and running,

Green- Then it all really depends on how good that incident commander is. I have seen variations.
Lou- Any incident, the first guy to respond is the incident manager. Hopefully additional people will respond with authority. We are continually training; we need to improve the people we would consider type 2 or type 3 management team. Although there are several people out there who are very qualified to be incident commander. A lot of them in the fire service because they have been familiar with the system more than law enforcement. I think the direction we are heading is good. We are not shouldering all the responsibility of the county. We are sharing that responsibility with all the players involved in emergency response. Hospitals will be responsible for the medical. Jackie Skramstad from Colorado Mountain Health participates because we have that need to as far as trauma and decompressing and all of that. Based on these ESFs, we have players from all over the county with all kinds of specialties. As a situation develops, an incident command is established and we determine the nature of it, those players will be brought in.
Houpt- you are early in the process so by the time we get there, all of the department heads will know what their function will be if any.
Green- what if there is a flood tomorrow? I don't think we are glued together as well as we should be. We need to move faster.
Martin- We need to work towards getting glued together and that's information and exercise.
Houpt- Have you talked at all about current issues while this is being put together, how you would respond to a current event.
Lou- I guess I would somewhat disagree with that. I think if we had a flood right now we would be very prepared, with our very qualified law enforcement, medical, certainly public works folk. Incidents as they occur are managed by the incident. If it is a flood, we are going to be looking at things that we wouldn't if it was a fire. If it was a mass casualty airplane crash or something like that …. Are all the names and numbers in there? No, but typically if we were to use the flood scenario, somebody is going to respond first. If it is Rifle Creek then Rifle PD will be the first ones. They will start notifying us. We are going to start notifying additional people. We may need public works resources; maybe we may need to evacuate people where transportation is required. I think we are certainly capable of handling that right now. Any incident I like to refer to the first stage of that as organized chaos. We don't look like we know what we are doing but we do. We are doing it. Then we get a little more organized and can start putting names to things. Any situation that happens is going to be responded to by those people who are on the ground who happen to be at work at the time. Everybody else is going to kind of fill in afterwards.
Green- last time there was a flood in Rifle; the MAC became the incident commander.
Lou- Again, that was the Mac as you knew it then. You know from the training that is not really what our MAC is. If you have a flood in Rifle, does the county immediately want to assume that or
Green- We didn't have a choice.
Martin- It exceeded the capabilities of the local government which went up the ladder to which it exceeded our capabilities as a county and other counties would have to step in.
Lou- We have an agreement through the north west regional security that the next response is we go out to one of those other 10 counties and say okay Mesa County send us this. Those are all resource agreements and things like that. I think we are prepared to handle things locally, county and state levels.
McCown- Will these be done with IGA's, MOU's, between the various governments. How is this going to be implemented?
Lou- The legalities of that I can tell you, with Homeland Security and everything, those things are in place to a great extent. People have signed off, for example Garco has signed off on what is called Rostus memo, which is a Resource availability list. What that says is that if Moffat County needs a resource that we provide that. Those things are in place, we have specifically signed off some of those, and others are through statute. Law enforcement mutual aid is nothing more than pick up the phone and say I need help, and now we are protected under mutual aid. All of the hazmat teams in the region have entered into agreements to help. Those things are dropping into place Larry, but certainly not complete yet. There are certain things and it is more of a legal issue that each county would have to enter into. There are certain things that by being part of the northwest region, that it is built in at the state level. There are federal mutual aid agreements.
McCown- That was part of my concern is having a sheriff's department dispensing Road & Bridge materials and equipment to another county.
Lou- That would not happen. Again, it is not the sheriff's department it is the emergency system shall we say of the county. You just happen to have a sheriff's deputy who is the emergency manager. Just like if it was Guy still doing it, Guy would know sooner dispense that without stepping that Emergency System into place than we would.
Martin-always a work in progress
Lou- I have to tell you I was at a conference last week and we got a presentation on Katrina from several people who were there at different levels, one person started off the presentation with a picture of the hurricane from space. When you can see your event from space, you know you have an event.

Patrol- Very busy. Continues to address traffic enforcement when possible but with an average of 92 calls for service per day, it is a secondary priority. Patrol Division was fully staffed for most of the year, which is essential to providing quality service to the residents of Garfield County.

Investigations- With 4 full time investigators, they are able to continue to investigate and follow up on cases that would otherwise bog down the Patrol Division and reduce their capabilities to respond quickly. Our investigators have improved their abilities to work cold cases and are continuing to attempt to identify the remains of our 3 unknown subjects. They also do all of the investigative work for most of our internal investigations.

AHRT (All Hazards Response Team) –became operation in 2005 and responded to 22 call outs in 2005. This is a multi-jurisdictional response team that responds to everything from law Enforcement situations, to Hazmat operational matters to natural disasters. Train monthly.

Detentions- several changes and additions made in the Detentions Facility in 2005. The remodel of the 1st floor was completed and the Patrol and Investigations Divisions were moved into that new space. Detentions assumed the responsibility of providing increased security at the Courthouse and added additional staff to make that happen. The capital improvements for the security project began in 2005 and the building will be completely secure in 2006. A new position was created know as Control Tech. This position may be an entry-level position into Detention and provides for the control, movement and security of inmates, visitors and the building. The entire operation and safety of the Detention Center is managed by this position. Brought in a GED program. Animal control- we do not have many people available for that and shooting for an animal control facility in 2007.

c. **K-9 policy and procedure compensation discussion.**

The Garfield County Sheriff's Office k-9 shall adhere to a specific chain of command within the K-9 Unit. Minimum eligibility criteria, specific responsibilities and training standards shall be fully understood and adhered to by all Deputies assigned to the Unit. Deployment criteria will be based on the capabilities of both the K-9 and the K-9 Unit Handler. K-9 Unit Handlers will be fairly compensated for routine maintenance and care. The purpose of the Garfield County Sheriff's Office K-9 Unit enhances the Department's enforcement duties through the use of properly trained canine components. By maintaining a state of high visibility and utilizing the canine's specialized skills, the unit serves as an effective way to safeguard the community and its deputies. This policy is intended to outline the procedures, safeguards, and reasons involved in the tactical deployment and use of trained police K-9 units. (See handout) Will have two dogs.
Off time handling of dogs will be considered as overtimes.

d. **Discussion of obsolete vehicles.**

Kevin Brunn head of CMC Colorado Law Enforcement Training Program is Present.
Lou would like the Board to consider donating or charging a nominal fee the 4 Crown Vic patrol vehicles that have been taken out of service this year to the CMC Colorado Law Enforcement Training Academy (CLETA). They are in need of used police cars in order to meet the driver's training portion of the required skills section of the academy. These vehicles are already set up with lights and sirens, would be ideal for this purpose. Several of our Deputies were recruited from this program. 2 have been totaled over two years due to Elk problems.
Houpt- We have two available. Do we have a use for them?
Smith- We also have Explorers that were used for police vehicles. It is a matter of what they would prefer to have.
Martin- I don't think Kevin likes the explorers do you Kevin?
Kevin- We need the same vehicles. So if we have a front wheel drive Ford Taurus then we need 1 vehicle for every 6 students. So if we have one Crown Vic then we need all Crown Vics. If we have one Explorer then we need all explorers. .
Houpt – do you have any vehicles right now?
Kevin – we have one front wheel drive but it is on its last legs. A Crown Vic is a rear wheel drive.
Houpt- Does it help to have two?
Kevin- Oh, absolutely.
Martin- You're not giving away the pickups yet?
Green- No I was going to say that we do have two Crown Vics but we were going to use one for car pooling for the Road & Bridge employees that are up at Cattle Creek. That is the only concern I have about that is if they are car pooling up there to do snow plowing, a Crown Vic is probably not the best car.
Houpt- If we have a Ford Explorer available….
McCown- we went for the Crown Vic because it would be cheaper and would hold one more person. We were trying to cut down on the personnel driving from Parachute to Cattle Creek shop. This was on a daily basis not just being called out to plow snow.
Green- No, you are right.
McCown- This is part of the transportation of our employees to their worksite.
Martin- The concept is what we are looking at right now and if they become available that we make that final decision and that transfer. I am open to that, we have used it for other governmental agencies, other police departments, etc. Instead of putting them out on the market and just taking a $500 bid I think it should go to a better use.
Houpt: So, let me ask what is the cost difference between driving the Ford Explorer and the Crown Vic if we used the Ford Explorer for car pooling instead of the Crown Vic?
Jesse- There is a couple of issues. One, when we finish with law enforcement vehicles, the Crown Vics we don't auction. We have a buyer out of Chicago that come in with a auto carrier and takes every one of them. Last year it was at $3600 a piece. They convert them into taxicabs. They want them with the cages in them and everything. They strip the lights off and they become cabs in Chicago. The explorers he doesn't do that with, those we auction. Their price varies depending on the auction. Our rate on the explorers verses the Crown Vics is about 12 to 15 cents per mile difference because the 4 wheel drives go through tires faster and they don't get as good gas mileage as the Crown Vics.
Houpt- You are not necessarily requesting crown Vics, you are asking for retired vehicles from your department.
Lou- As Kevin said, he wants to have all the same similar vehicles. He does not know where the program stands as far a 4 wheel drive high profile vehicles.
Kevin- We would have difficulty using a 4 wheel drive vehicle for the basic law enforcement academy driving program. The roll over factor would weigh in there very heavily.

Houpt- The amount we get for the Crown Vics for out of state use isn't high enough for me to not support sending it to the academy instead.
Green- But you have the other issue that you have to consider too. We have to find a vehicle to send our crew up to the R & B facility at Cattle Creek.
Houpt- We have the other issue.
Martin- I still think it is the concept and if we have to agree to it then Kevin will probably look at that. Think the training program is very important. If we have that resource, then we need to use it wisely. I understand about the carpooling as well because that is an ongoing thing.
Houpt- Lets look at that and I think we really support this idea. We need to answer the question of the carpooling. Maybe there is another solution to that too.
Lou- we had 4, we totaled 2. I would support giving them to the program instead of turning into cabs.
Martin- If we find one and it is available, I think that is the direction I would be leaning towards.

PUBLIC MEETINGS:
BUILDING AND PLANNING:

a. EnCana update-Dave Grisso ,Brad Ackerman, Sher Long, Brenda Lister- Hernan, & Eric Lang

Dave Grisso started.
Grisso- Held a number of town meetings this year to show what we have been doing. Energy Expo Wednesday from noon to 6. In the morning we are having a session with the high school kids and a job fair. Area of operations. Piceance basin operations. Eureka –North Parachute ranch. 18 rigs running. 6 are south of the river and the other 12 are in the north Piceance location. 275 wells drilled in 2005. 197 in the south and 78 in the north. They are operating 10 work over rigs. Current gross production is 400 million cf/day. 2 rigs in Mamm Creek, 1 in South Parachute, and 3 in Orchard which is the area near DeBeque. Planning 68 in Mamm Creek, 38 in Orchard, and 18 in south Parachute for a total of 124 wells this year if we hit our goal. North Parachute ranch we have 10 rigs and we have 6 in Eureka.

2006 wells planned 133 in North Parachute and 11 in Eureka. 90% of that is on EnCana owned surface.
Ackerman- Middle Fork Compressor Station- Processes gas from North Parachute Ranch. 3 phase gathering- gas, water, and liquid hydrocarbon. Well pads are 90% tank less. 5 units (6000 hp) processing 40 MMcf/day. Initiating conversion to electric compression for capacity up to 100 MMcf/day. Orchard Unit (Una Station) Compressor Station- Located near Una Bridge compresses gas from Orchard Unit and High Mesa to Rifle plant for processing. Currently utilizing 3 gas driven compressors (4,000hp) to deliver 17 MMcf/Day we are about to exceed capacity in those units. We filed for our SUP and received our SUP last year. We have ordered the compressor and are working with Excel on getting the power situation all straightened out. The delivery on those electric compressors right now is about 52 weeks. We hope to have one in by November of this year. That will be an enclosed building with that compressor. The 3 gas driven units we have on the ground are not in an enclosed building and we are possibly going to be adding some more before this electric comes online, just temporary type units.
Construction of 36' pipeline from Meeker Hub into Wyoming completed in February 2006. Construction of 36; Davis Point (Piceance Gathering pipeline) pipeline to begin June 2006 and be finished by November 1st. Ongoing upgrades to move Piceance Basin gas to Meeker Hub (Southwest of Meeker) by May 2007. Selling about 30MMcf/day up one line. Construction of High Mesa Compressor Station underway which should be done by mid June. Everything else goes through our Logan's Wash facility. Helping canyon with some of the compression on their line.
Houpt- The community development plan is a notion that has been traveling around the county. I understand that you have been talking about it as well. Sher I don't want to put you on the spot, but you mentioned to me the other day that you had some information on that.
Sher- We have been meeting with grand valley citizens' alliance. We are talking about dividing our entire field of operations into communication focus areas. We kind of highlighted Orchard unit South Parachute are to be our first attempt here. A lot of what we have always done is that our operations are spread out a lot. GVCA would like to work with us to maybe formalize those communications a little more so we have be doing some surveys in the are. I think the results of those surveys were going to GVCA this week. Doug will be making an appointment for us around the 24th of May to sit down and let GVCA give us their ideas on what they would like to see happen there. That is where it is.
Grisso- We would be glad to come back in the fall and let you know what we are doing. We don't really know what next year will bring by then, but we have an idea so we might be able to share a little insight.
Martin- I think working a little closer with industry and everybody in the county and getting information out to all the citizens groups and energy advisory board and your participation in that and all the different changes, I think we are going to do well.
McCown- what month does the gas division have to ask for its pot of money from the good people up in Canada so that you can kind of plan your year's activity?
Grisso- I actually start that process in October and then it starts getting narrowed down and honed in. Usually around the first of December we usually have a pretty good idea.
McCown- Around the first of the year you would have an idea what your yearly activity may entail.
Grisso- October is usually what we ask for; November is when they tell us what they think we can realistically ask for. December is when we have a good idea of what we might get.
Sher- I think I might just throw in here, now that the weather is getting better we would certainly offer up site tours either of the rigs or the frac operation or just a field tour if you would like to kind of see where we are going to work and what we are up to. Just give us a call on that.
Jesse- Our budget process is running very similar to your budget process and we really want to get out in front of you folks as far as we can on roads so they we are not playing catch up. Is there any way that without you being held to it or your feet being held to the fire that or what have you that we could sit down and talk about might happen and the best of situations.

Grisso- I think so Jesse. We have an idea what EnCana's development in the basis is going to be like we have talked before. We have an area that needs to be developed and how long it takes is going to depend on how much money we get as a team every year. I think through what I just showed you today that it will give you a good idea on what roads are going to be impacted and over what length of time that will happen.
Jesse- I am planning to have a similar discussion with all of the companies and what my objective is to plan to lay out on a map what we see happening over the next 3 years hypothetically so we can design a best haul route into all of those areas and we can get ahead of that in our budgeting process and share that with you.
11:24:05 Future development is going to drive it up.
Martin- goes along with other aspects of reclamation. Private land owners doing weed mitigation. Need to work together instead of against each other.
Mildred- we need to make sure all your vehicles, SMM machinery and all contractors are registered and licensed in Colorado.
Grisso- EnCana started something last year. Contractor consortium deal. Meeting May 25th in Battlement at the Battlement Community Center-we want people to come talk to them about things required in our County.
Martin- Would that be worthwhile in reference to the reporting process in severance tax, etc. under subcontractors and work definitions.
McCown- It would be to late for the reporting, it ended yesterday for this year.
Grisso- We went together with Williams and hired Jim Evans to prepare ours together this year to make sure it is very accurate. But, you are right John that is a good place to get in front of those people and talk about that. We feel, Jim got with them and did hopefully property this year, we'll see here
Martin- We will know because if there is a challenge, I know somebody who is on that review board that goes to the state and makes the forwarding recommendations to the Dept of Local Affairs and the Treasurer.
Mildred- Dave, what is the time frame?
McCown- I would like to see it go even farther, go to the legislature for an apportioned plate. An owner of a vehicle may be in one state and the operator here in Colorado. Who do you register? The owner or the operator?
Mildred- You would register the person working.
McCown- We need to devise a system for these out of state entities to be able to meet their legal requirements without having to have multiple registrations. We need an apportion plate where they would pay an appropriate share of their operation tax at the time of their registration, to go to the other state.
Mildred- There are apportioned plates in Colorado, but primarily they are on your big vehicles and things like that not their others.
McCown- This needs to be taken to the legislature to arrange for an allowance of this plate.
Grisso- I think there is some confusion for the contractors on what the requirements are in Garfield County when they are from another state.
Mildred- When does it run?
Sher- I am getting ready to send out a contractor letter to remind them about how to drive in Garco. Maybe you (Mildred) and I should get together and incorporate this into that letter that is going out anyway.
Mildred- That would be good.
Grisso- We will get you the exact date and times of the meeting.

c. Fair Board Bylaws and establishment of Livestock Sales Fund and Fair Board Fund.
Jesse Smith present.
Held over until 5/8/06

d. Approval of contract for Marketing Service Provider for Fair Board
Jesse Smith present. .
InPress P.R. Contract.
Held over until 5/8/06

e. Approval of contract for the Concert at the Fair.
Jesse Smith present.

Colorado West Promotions Inc.
Held over until 5/8/06

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers- removed from the list by Jesse Smith
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Liquor License renewals for Shadetree Enterprises and Modification of premises; Thunder River Market; Ironbridge Club with new manager; Catherine Store – Mildred Alsdorf

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

PUBLIC HEARINGS:
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.

Discussion of the 3rd Supplement to the 2006 approved budget and the 3rd amended appropriation of funds-Patsy Hernandez

Exhibits A & B were presented & accepted into the record. Patsy discussed 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 McCown and seconded by Commissioner Houpt to approve the 3rd supplemental to the 2006 approved budget and the 3rd amended appropriation of funds.

Houpt - aye Martin - aye McCown –aye carried

Patsy- After the audit was closed out; we were left with an additional $1.6 million dollars in all funds combined.

c. Discussion and approval of new Library Board Member

Consideration of Virginia (Ginny) Schroeder as a new Library Board Member to serve a 4 year term.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to appoint Virginia Schroeder as A new Library Board Member.

Houpt - aye Martin -aye McCown – aye Carried

COUNTY ATTORNEY UPDATE – DON DEFORD

Technology Fund Grant Agreement
Mildred- Received a 30, 000.00 Grant. This is money the state has because at one time we collected a dollar but fifty cents went to the state. Now we get to collect the full dollar and keep it ourselves. We just got the bill signed that will allow us to do that until 2012. We have to do an agreement with the department of state so they can give the money. Don had some questions which is usual for state grants. Called Judy Snyder who is the contract person with the SOS. Original grant ended 2007. On the contract is 12/31/2006. AG approved all questions that Don brought up.
Don- State agreed Tabor issues at the county level. The way it was drafted was not right. Put in appropriation agreement but ignored Tabor**.**
11:45:00
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize to sign the technological fund grant agreement.
Houpt- aye Martin- aye McCown- aye Carried

Don- I would like to go into executive session so that legal advice can be heard on the following items: 1C, 1D, 1E of the regular session and 1B of the regular public meeting agenda and 2 A of the afternoon session. Additionally I need to provide you with an update on the moratorium litigation status of the public project utilizing EnCana fine revenues, and update on DDA litigation. Carolyn, Patsy, Jesse, and Mark are needed in the meeting.

Executive Session: Litigation Update; Legal Advice
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.

Don- We had listed for public discussion a number of items for operation of the Garfield County Fair, items 1C, 1D & 1E. The board should indicate since they were listed publicly what action you wish to take today if any regarding those three items.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to hold items 1C, 1D, & 1E over for 1 week during the same time frame, approving them conceptually with some changes and additional information being needed before final resolution can be written.

Houpt -aye Martin - aye McCown – aye Carried

1:03:09 Don- You also listed for public discussion at 10:15 item 1B concerning a contract to obtain assistance for the Chief Building Official of Garfield County. Do you want to take action on that today or hold that over for a week?
McCown- We do not have a contract in front of us.
Carolyn- There was not an identification of the provider and a not to exceed figure.
Houpt- There is a resolution, scope of plan and an amount.
McCown- We can cap it at $10,000.

REGULAR AGENDA

PUBLIC MEETINGS:
BUILDING AND PLANNING:

b. Amendment of Resolution number 05-64 defining "Chief Building Official"

Building and Planning Dept is in the process of hiring one employee to utilize additional help in house to do plan reviews. In the interim, an option to speed up the process is to utilize an outside

contractor to do plan reviews. The proposal from Colorado Inspection Agency meets the requirements for this work and has the required insurance coverage. Included in this discussion is the degree of delegation by the Director as outline in Resolution 05-64. Staff requests direction from the Board regarding this option to use outside help.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to hold this discussion over 1 week.
Houpt – aye Martin - aye McCown – aye Carried

BUILDING AND PLANNING:

Building & Planning Issues

1. **PUBLIC MEETINGS: CONSIDER A REQUEST TO AMEND THE FINAL PLAT FOR LOTS 5 AND 6 OF ST. FINNBAR SUBDIVISION. APPLICANTS ARE ROARING FORK FARM, LLC AND ST. FINNBAR LAND COMPANY-FRED JARMAN. (HANDOUT)**

Fred Jarman & Ron Liston of Land Design Partnership were present.
Location is South of Catherine Store on CR 100 east of Carbondale. (See map in information packet.)
The owners of Lots 5 & 6 on the St. Finnbar Subdivision request approval to reconfigure the platted building envelopes on each lot. The illustration above depicts the originally approved building envelopes in dashed lines and the proposed reconfigured envelopes in a gray-hashed form. The reconfiguration generally enlarges both envelopes. The application states that the original more restrictive envelopes were configured so that they avoided mapped jurisdictional wetlands and the 100-year floodplain. Only the 100-year floodplain shows on the plat. The application contains a letter from Gary Beach of Beach Environmental that evaluated the expansion areas for wetlands and determined there were no wetlands in these areas. Upon review, Staff has outlined several issues with the request to enlarge the building envelopes. As you may recall, approval of the St. Finnbar Subdivision included quite a bit of discussion of the site constraints on the property. As a result, the original envelopes were specifically configured to avoid wetlands and the 100-year floodplain. The wetlands were verified by the US Army Corps of Engineers (the Corps) as demonstrated in a letter from the Corps to Grant Gurnee, which was included in the original St. Finnbar Subdivision application and is attached to this memorandum as Exhibit A. The letter essentially states that the Corps reverified of a portion of jurisdictional determination of the St Finnbar Subdivision. The mapping was previously approved by the Corps on January 8, 1997. Further, based on a subsequent sit inspection…this office determined that the revised delineation is accurate. The map below was submitted to the County in the original Subdivision application and contains the mapped wetlands described in this letter from the Corps. The plan shown below illustrates the issues with the jurisdictional wetlands delineated as of 1997 by the Corps and the area where the building envelope expansion is requested. The Application contains a letter from Beach Environmental, LLC that essentially states that the areas into which the building envelopes are to be expanded do not contain wetlands. Staff referred the Application to the Corps, which was in the processing of reviewing the Application as of the draft of the memorandum. They represented in a phone conversation that because these were mapped jurisdictional wetlands verified by the Corps in 1997, changes to this mapping of a jurisdictional wetland (as suggested by Beach Environmental, LLC requires Corps Approval. As of the drafting of this memorandum, Staff does not have a determination from the Corps and cannot recommend the Board approve any reconfiguration until such determination is made.

Staff Recommendation:
Staff recommends that the Board of County Commissioners 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 plat note shall be placed on the plat that states the reason for the amended building envelopes and a separate note shall be placed on the plat that states:

   No building or grading permit shall be issued until the wetlands, floodplain and newly established building envelopes have been accurately staked on the ground and verified by a surveyor licensed to practice in the State of Colorado. Proof of this shall be presented to the Building and Planning Department prior to the issuance of any building or grading permit.

4. The applicant shall present a letter from the US Army Corps of Engineers that agrees with the changes to the mapped jurisdictional wetlands. Additionally, this verification shall include a new map, submitted to the planning department that delineates the newly mapped wetlands as approved by the Corps. This map shall also delineate a 20-foot buffer either 1) around the wetlands and the 100-year floodplain or 2) around the building envelope to be platted as such on the amended plat.

Ron Liston- We had no differences with staff on the conditions of approval. They are appropriate. I have initiated Gary Beach to bring the CORPS out there and approve the wetland scenario. He was confident about what the wetland situation was. The only thing I will point out was the reason for the increase in

size. Boundary of the lots extends to the boundary of the subdivision. The whole North West area of the property is a big historic pasture, so these properties do allow horses. With small envelopes it is very difficult to accommodate for livestock structures and homes thus the reason for the expansion.

Houpt- you are fine with the buffer?
Liston- That is fine. Part of that was an oversight on my part.
Houpt- I was surprised until I read additional information on this, I was surprised by your recommendation because all the way through you pointed out the concerns with the wetland. This will with your conditions that are in place nothing truly can move forward until the CORPS approves this and designates it as an area outside of the wetlands that were previously designated.
Fred- That is correct. Ultimately what we are asking for is a letter from the CORPS that says this makes sense, that each environmental assessment is correct and with the buffer there shouldn't be an issue. We cannot bring you a plat for the chairman to sign until we have that information.
McCown- Given that fact do you still feel comfortable with the 90 days stipulation that is in number 2 for a condition of approval?
Liston- Given what we are doing and where we are at, we think we can get it done, but we would prefer 120 days.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amended plat with the conditions 1 -4 as listed by the staff but changing the time period in number 2 within 90 days of approval to 120 day approval for the amended final plat to be submitted.

Houpt - aye Martin - aye McCown – aye Carried

A. CONSIDER REFERRAL OF A CONDITIONAL USE PERMIT APPLICATION TO THE PLANNING COMMISSION FOR EXTRACTION IN THE RESOURCE LANDS (TALUS SLOPES) ZONE DISTRICT. APPLICANT IS CHEVRON SHALE OIL COMPANY, A DIVISION OF CHEVRON U.S.A., INC-FRED JARMAN

Fred Jarman and Shawn Norris-Corline Compliance Services were present.

Fred- We received an application for reclamation 1:49:40 of an existing mine which is used to provide natural rock material used as construction material by the Application. Shale rock which can be used for surface pavement. Proposal is to lay it back, contour and reclaim it.

Due to the extreme remote location of the mine location at the dead end of CR 211 mile beyond a locked gate on an 115,000 acre property, limited nature of potential impacts, and the non-existence of residential dwellings within at least ½ mile of the mine. Staff recommends the Board direct Staff to schedule a public hearing for the Board and not refer the matter to the Planning Commission.

Shawn- Fred has indicated that this site is outside public area. There are two sites that we are going to talk about. This particular site is just south of the private lands that are excluded from public access. So the public does have access to this scar on the side of the road. It is within the public are but does not change its remote location. The only traffic that gets through there public wise is pretty much the surface lessee that has the surface lease stuff to do there farming and ranching activity in that area. To discuss and address the letter I received as a representative for Chevron Shale Oil Company, is a letter from the Division of Mining and Geology. (Reads letter into record). Currently there is a very high wall on one side that is pretty much vertical. It presents a safety concern for a lot of issues. The simplest one would be if somebody was to park below this face and a rock or something were to come down from above them, they would have absolutely no warning. Chevron Shale Oil Company simply wants to go in, reclaim the scar to lessen that vertical face, make it a less of an attractive nuisance or physical hazard to anybody.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to hear this before the board and not be referred to the Planning Commission.

Houpt - aye Martin - aye McCown – aye Carried

B. CONSIDER REFERRAL OF A CONDITION USE PERMIT APPLICATION TO THE PLANNING COMMISSION FOR RECLAMATION OF AN EXISTING CONSTRUCTION MATERIALS MINE IN THE RESOURCE LANDS (TALUS SLOPES) ZONE DISTRICT. APPLICANT IS CHEVRON SHALE OIL COMPANY, A DIVISION OF CHEVRON U.S.A., INC-FRED JARMAN

Fred Jarman and Shawn Norris present.

Fred- This is in the same location of the as the last one you heard but at the very end of the public area. The question here is to create the mine you were just talking abut. Same zone district and carries the same geological features. This is about 8 acres in size. We are looking about 17 miles NW of DeBeque. Staff is recommending that you hear this matter yourselves and not refer it to the Planning Commission.

Houpt- I think this is different because one is a new reclamation project and the other is opening a new area for mining. Can you tell us more?
Shawn- Site is ¾ mile from the residence. The residence is owned by the applicant. The only people in residence are surface lessees. Part of the surface lease is an agreement to whatever the land owner does

within the area. There could be impacts to those individuals. Cannot see the house from the area the applicant plans to mine. The land owner is very cognizant impact issues to their lessees and does not like to impact them. The owner takes extraordinary measures to give their surface lessees the benefit of the doubt.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to set a public hearing date with the BOCC for this extraction project.

Houpt - aye Martin - aye McCown –aye carried

PUBLIC HEARINGS:
BUILDING AND PLANNING:
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 Wheeler, Jeff Wadley and Julie Hansen- Beattie & Chadwick LLP were present.
This was continued from February 2, 2006-Consider a Special Use Permit for 2 Two Family Dwelling Units. Applicant is Jeff Wadley.
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 Compressive Plan of 2000; Exhibit F – Staff Report date 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 dated 8-1-05 from Kevin Cyr; Exhibit K – Letter date 7-13-05 from Bruce Trujillo; Exhibit L – Additional drawings submitted by the Applicant; Exhibit M – Letter read into the record from Nancy Smith; Exhibit N – Satank Water Association Bi-Laws; Exhibit O-Letter received 9-6-05 from Gene Roberts; Exhibit P – Letter dated 9-21-05 from Satank Water Association; Exhibit Q – Letter dated 11-14-05 from Jeff Wadley; Exhibit R – Improvement Location Certificates dated 9-8-05 & 9-15-05; Exhibit S – Letter dated 1-23-06 from Satank Water Association; Exhibit T – Staff report dated 2-6-06; Exhibit U – Letter dated February 3, 2006 from Beattie &Chadwick LLP; Exhibit V – Letter dated April 20, 2006 from Charles Moore Chairman Martin entered Exhibits A – V into the record.

Wheeler- Request is for two 2 family dwelling units. Built as single family homes and converted to duplexes. Things looked at were adequacy of: water, sewer, electricity, etc. If the commissioners find every thing does meet requirements for approval on this application then would like to go back to the original application and staff recommends approval. Discussed page 5 of the staff report that was submitted in August.
Jeff- Have had several delays. Some of the issues of not moved forward as well as possible.
Julie- met with Larry from Satank. We discussed Satank's theory behind this and Jeff's theory on this. On issue of adequacy of water and the ability of the association to serve, in my communications I have not heard any complaints about shortness of water. Their issue is more of a density sort of issue. Carbondale is looking into offering more taps to the organization.

Larry Green, Satank water- This has been awkward and difficult situation for the Water Association. Read a letter into the record dated 5-1-06 regarding 2 two family dwellings at 1151 & 1161 County RD 106: Has been threatened with legal action if they do not approve the duplexes. Have had communications with the applicant and have not been able to reach a compromise. They would like to inform the board that it will provide water service to the two family dwellings heretofore constructed at 1151 & 1161 CR 106 if the now pending special use permit applications are approved by this board. The association is agreeing to provide water to the 2 two family structures because the cost involved in defending the association's position in court would likely bankrupt the association and leave it all together to provide water to its members.
Wants to make it clear that this decision is made solely by the Satank Water Association and is not the position of any of the individual members of the association or other residents in the proximity of the property which is the subject of the application.
McCown- Given the decision of this board do you feel that it establishes a precedent for those people wanting service from this entity to serve multi family housing?
Larry- In certain limited circumstances, yes. The circumstances would be to those structures located in Satank if there are any beyond the ones in question, where the association has knowingly provided water to something more than a single family dwelling.

Martin- Does anybody in the audience have something to add to the conversation?
Nancy Smith – A resident of Satank, wants to talk about something the BOCC and Mark Bean were given copies of -letter from 32 residents stating that the residents did not want multi family dwellings in the neighborhood.
Martin- Admits the letter from the water association as Exhibit W. Letters from the 32 individual home owners in Satank as Exhibit X.
Nancy- Read letter into the record: Property owner in Satank who is worried about 2 family dwellings. In Satank the lots are two small for this increase density to work. Would prefer to have no multi-family dwellings in Satank. Would like to require the Garfield County Zone Code require minimum lot sizes for multi family dwellings as will be the case for ADU's. In our residential Urban district this would be 15,000 sq feet for a duplex and 22, 500 for a triplex etc.

Charles Moore-sent letter. Single family unit uses 2,000-3,000 gallons per month. 2 family dwellings are using 10,000-20,000 gallons per month. Until Satank joins the 21st century and has a sewer line it makes no sense to allow anything other than single family homes in the area.
Craig Forbes- wants to remind of the previous meetings. Background on why so may people are upset. Mr. Wadley bought large number of lots. 1213 CR 106 manufactured home put on full foundation was roughed in for a 2nd kitchen in the basement. 1171 CR 106 triplex. All rented out. Research has been done, and received packets. On all packets says single family residents. All rooms labeled except 2nd kitchen. Building permit application 1161 Cr 106- special conditions section was written by inspector at the time second kitchen not allowed- Mr. Wadley signed it. Rely on the county to enforce the regulations. Nobody wanted to turn in neighbors. Fear of setting the ball rolling for the whole neighborhood. More going on than meets the eye and it is not as simple as has been represented.

Jeff- those were all issues that were brought up before. Inaccuracies in the allegations. Came to the county with the best of intentions. When he put the first house together in Satank there were 2 members of the Satank Water Association that had 2 kitchens in their homes. He was told by that board to go ahead. Blew the special use application process, and is trying to get it right. Zoning allows for it. Carbondale has the water and wants to move more water through. He has been very responsible with the septic system out there. No spoils going into the aqua foils or the wells. The main purpose of the Satank Water Association is to expand and provide water for all of the residents of Cooperton. Number of residents in the area which is beyond my control, and the number of septic tanks. Believes that the BOCC has a chance to come out of this as heroes and expanding the number of taps and providing every lot in the Townsite of Cooperton with a tap the town of Carbondale and allowing all of these people to get on the fresh water system out there and eliminate this future problem that is inevitable and that is the souring of the wells.
Julie- pleased with the letter read by Larry Green.
Houpt- Mr. Wadley are you a Builder? Answered that he has been
McCown- (Addressing Larry Green) Are there other multi-family dwellings being serviced by the Satank water district to your board's knowledge, ADU's particularly?
Green- Only the triplex on 1171 county rd 106. The issue is that when we first organized the Satank Water Association in 1993, the association started billing for the number of kitchens. 2002 the Satank water association made everybody use meters. Before meters the triplex was being charged for multiple kitchens.
Jeff- One of the previous board meters prior to the election in March had two kitchens. There are several double kitchen units in Cooperton some are served and some are not served by the water association. As a builder he had never went through the special application process.
Nancy- When Mr. Wadley was talking about a previous board member having a second kitchen, I believe he was talking about Thane & Betsy, what happened with them was they built a garage with a temporary apartment above it, sometime in the mid to late 90s. A couple of years later they built a house attached to that garage. At that time to be able to get a certificate of occupancy for that building, they removed the kitchen above the garage. They have a certificate of occupancy for what is there today and it qualifies as a single family dwelling unit and they have not gone back after their CO and added anything back in.
Houpt-Should we use what was read to us as an exhibit? There were notes on the application for the single family application.
Martin- In reference to the building & planning records. Building & Planning record.
McCown- When you got the permits for what we are discussing today, was it for multi family or single family dwellings
Jeff- meant as single family dwellings. Trying to stay in Carbondale and hold onto what we had. It evolved into a multi family.
Houpt- What about the other 2 homes we are talking about?
Jeff- The second home was like the first. The third home was meant as a multi-family dwelling but didn't know that the special use application was needed. May I see the application referred to by Mr. Forbes?
Martin-permit #8666 and that would be special conditions which is box 12
Jeff- That is handwritten in somebody else's handwriting. That was not part of the original. I have an original of my submitted application and that is not on there.
Andy Schwaller- There is a not on there that says special conditions 2nd kitchen not allowed and that is my writing. When they come in and pick up the set, a copy of this is given back to the applicant. That is all up front. The same note should show up in red on the plans. That is a typical red line item.
Martin-other signature is Mr. Hackett and Don Owens
Mr. Wheeler- This is a special use permit request for 1151 and 1161 CR 106.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close the public hearing; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to deny the special use permit request for a two family dwelling for the property located 1151 County Rd 106 also known as Lot B Block 7 of the Cooperton Townsite Glenwood Springs, Colorado.

Houpt-My concern isn't whether there is the ability for water to be provided. My concern is that it is very clear that when the applications came in they were for single family homes. If we didn't take our process that is in place seriously I think that we would have absolutely no regulation in this County. I think it is really important that we look at what is on the books and that people are complying with that. I think there is ample opportunity for people to be aware of what our regulations are. I have a huge concern with this type of situation. I don't see that it is compatible with the character of the neighborhood.
Martin- Your finding is that it does not meet the requirements, etc. and that it should remain a single family dwelling.
Houpt- I do.
Martin- It does not meet all the requirements of a special use permit for a two family dwelling.
Houpt- As far as I am concerned.

McCown- We are asked to approve a multi family dwelling after the fact today with the absence of significant information as to the amount of impact on the ground water that is existing there. I know your recommendation is for the Satank Water District to provide taps for everyone in Cooperton and Satank and that way they would not have fresh water wells in the area to be contaminated. In your own words you say that it is inevitable that they will be contaminated. But, we as commissioners have to be cognizant of the fact that we don't have to contribute to that factor. I believe what you are proposing here and what has been done in the past if you will has been done without the preface of these being multi-family houses at the time they were applied for because there was inadequate information provided at the time. We would have needed to see more if this were a fresh application coming in on your waste water treatment projections, the amount of gallons used, and the amount of square footage of your lot. There are a lot of things that we would have needed engineers' studies on that was not seen by the Board. So I would have to support the motion for denial simply because it does not fit the character of the neighborhood. My primary concern is that the ground water that is there and the use of the fresh water wells in the area that with the additional density of the multi family homes is going to compound that use that a single family home would not do.

Houpt - aye Martin - aye McCown –aye Carried
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to deny the special use permit request for a two family dwelling unit for a property located at 1161 County Rd 106 also known as Lot C Block 7 of the Cooperton Townsite, Glenwood Springs, Colorado.

Houpt - aye Martin - aye McCown –aye Carried

Martin- It is unanimous. The application is denied for a special use permit. Single family dwelling is use by right.
Julie- As far as the timing by that, will that start immediately? He needs time to work with the tenants that are in there currently.
Martin- I think he needs to work with code enforcement and building & planning at the current time. Andy will be available, also Ron Van Meter.
McCown- I think code enforcement will give you 30 days to rectify the situation.

BUILDING AND PLANNING:
CONSIDER A SPECIAL USE PERMIT FOR AN EXPANSION OF AN EXISTING OFFICE, LOCATED AT 1058 CR 215. APPLICANT IS WILLIAMS PRODUCTION RMT CO.

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 Wheeler, Phillip Vaughn Sandy Hotard, Susan Alviar

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 –Staff Report Dated 5-1-2006; Exhibit E-Application for the Special Use Permit; Exhibit F –Email dated April 17,2006 from Jake Malls; Exhibit G- Email date April 25, 2006 from Steve Anthony; Exhibit H PowerPoint presentation..
Chairman Martin entered Exhibits A – G into the record.

1. BACKGROUND AND PROPOSAL
Williams is requesting "An Industrial Support Facility" to expand the existing Williams Office Building. The proposed expansion is for a 25,511 square foot addition to an existing 4,330 square foot building (approved in 1997 as a Special Use Permit as a "Permanent Office Building" – Resolution 97-25).

STAFF RECOMENDATION: Staff is recommending the board approve the Special Use Permit to allow Phase 3 of the Parachute Creek Gas Plant 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 prior to issuance of the Special Use Permit the applicant shall provide a re-vegetation security in the amount of $10,230 (2.41 acres x $3,000/acre).
4. That this facility is for the sole use of the Applicant/Operator. If any other entities are to be added as users, then they would be subject to an additional SUP.
5. 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- Williams Production owns this property that is located on CR 215. The front of the building looks towards parachute to the north. Left of the main building is some temporary offices. Southside of the building some temporary offices and muddy parking lot. There was a special variance in 1997. None of the setbacks will be violated. Would like to expand the offices and beautify the property, adding covered parking, screen fences, and landscaping. The parking will be such that no lights from parking vehicles will shine across the street to the neighbors. The amount of employees at the location will not increase. 3 access points on County Rd 215. Staff feels they have went to several different measures to limit the impacts. The applicant did submit to Road & Bridge a traffic study. Strom water management plans, spill

plan, what is being proposed will adequately meet standards. Staff is recommending approval of the application. There are some local conditions that will need to be met.
Carolyn- B & P staff has the general requirement that the applicant follow all city, county a state laws. Parachute has to approve the water before the permit can be approved,
Houpt- is the water from Parachute already hooked up?
Richard- yes but they are upsizing
Carolyn- doesn't think that Parachute was considering that
Phillip-tried to meet the entire county code for industrial regulation but went above that for looking at a commercial office.
The landscaping plan was discussed at length. No lights shining at the dwelling across the street. Well maintained landscaping. This will be a corporate headquarter for Williams Production. Feels it will be a nice addition to the community. Have set forth the necessary life safety issues. Will be a nice visual to the community. Parking that meets the Garfield County code. Will have over 131 spaces. This will be a paved area. Storm water management plan-detention pond on the southwest corner of the property. Proposed and set forth a 3rd access. Traffic study-used CDOT regulations not Garco. The reason for the secondary access is on County Rd 215 is because of the lane change area. What they are trying to make sure of is that there are 2 separate lots. In regards to other items that you have before you, we have a water tap from the town of Parachute…we are upsizing that. ISDS operates from the courtyard. Sewer manhole on the left side of the plant. Full lighting diagram. Well-lighted outside for Security and Safety. No pollution off-site. Cut off fixtures that are friendly, light shines down.
Have a hearing on May 11th with the board of trustees for watershed. Other items that we have noted as an industrial standpoint. Policy for dust control. We can and will meet state statutes on noise control. Will meet the state decibel levels. In regards to glare, spent a lot of time on the issue. We will be screening the building for a glare stand point. Agree with staff recommendation, but would like to strike #4.
Carolyn- are you agreeable with the condition on the water?
Phillip-yes
Houpt-impressed with packet. Have went to great ends on the landscaping and it will look nice. Noticed that you have met with governmental agencies, do you meet with the property owners?
Sandy-It came up briefly concerning discussions with other projects we were working with. I spoke briefly about it. It was jut briefly mentioned to Mr. Sid. It was mentioned to the Arronas who live across the street also. We mentioned it to the people who have the property directly next door to us.
Houpt- Were there any suggestions that they had that you incorporated into this plan.
Sandy- No, not to my knowledge.
Houpt- is the 3rd entry directly across from neighbors home?
Phillip- It is directly across from their driveway, not the home.
Houpt- If you have a driveway that goes across from a residential property, have you looked at the concern of headlights going into peoples windows as they are leaving work.
Phillip-I believe commissioner that about 4 pictures in shows a rough alignment, access to access. There are two trees there at County Rd 215 and then trees at the neighbors house as well. There is a short building and a temporary RV there also. I believe trees will block the lights.
Houpt-Did you look into widening the existing driveway instead of adding another cut.
Phillip- Yes we took at look at that as well. It has to do with traffic circulation around the site. You don't really gain too much by widening it out. You are not really able to move more traffic through.
Houpt- but you will not be adding any more traffic; you have the same number of staff.
Phillip- will make sure people use other two accesses.
McCown- Does Williams control the activity that is on the upper portion of the lot? Is there going to be in change of lighting or the existing buildings?
Phillip- To my knowledge there will be no change in the lighting or the like.
Sandy- no plans to change any of that except that big trucks will go in the back
McCown- is there a possibility of putting in a fence to separate the lot
Phillip- that is a possibility
McCown- where is the nearest gas well?
Phillip- North about 354 feet.
McCown-would any gas well traffic be coming through
Phillip - no
Houpt-question about lighting at night
Sid Lindauer- lives across from Williams Energy. After seeing Williams' representation this afternoon it has cleared up several things.
Exhibit I-letter from Mr. Lindauer
Says he does not remember speaking with Sandy about the expansion. One of his greatest concerns is the traffic. With the new entrance on Southeast side, which is directly across from his driveway. May complicate their ability to move freely in and out of their own driveway. Says Williams does not manage the traffic on the existing exits. 50-100 contractors. Lights are giving them a problem in the evenings. Traffic in the furthermost exit in the mornings and between 4:30-5:00 in the evening, people get in a hurry and stomp on it which makes the vehicles very loud. Has spoken to a rep at Williams and was told he would talk to the employees. The speed limit is 35 mph and there are noise signs and that the employees should abide by them. There is more of an industrial look than a commercial look. Dust and mud issue. Would like Williams to communicate with the homeowners to make the area stay nice. Surprised about water supply from Parachute because there is a moratorium on the water supply in Parachute. The original permit from 1997 was for 9 people. But, there were 9 in the office building and 15 on the back side. On the original office building there were lights on the corner of their building. 600-1000 halogen lights. Have lighting problem with the contractors on the back.

Houpt- if somebody is driving into your driveway, where do the lights shine.
Sid-they shine into the garage which is attached to the house.

Houpt- if they are across from your driveway, when they turn heading towards Parachute will they miss your house.
Sid- Possibly the lights could hit going into work.
Martin- there is a good picture of this in the packet-the proposed driveway and how it would line up.
Houpt- which one is it
Martin- #9
Sid- Hopes Williams will address some of these problems, wants them to do the job right.
Martin- that is why we have the application and that it is writing.
Phillip- apologies to the neighbors who were not contacted. Thought they were contacted and that the information was given to them. If the lights on the existing building are not cut off fixtures, Williams will fix that. In regards to the traffic issues, the noise and the speed issues, there is constant communication with the employees and that there are police on CR 215 quite often. In regards to CR 215 you see the street sweepers out there and Williams trying to take care of the dust and mud. In the 1997 approval there was not an assurance as to the number of employees. There are 15 employees on site, and there will not be a growth in employees.
Sandy- the picture on the screen, the back of the lot there is a trailer there. The new office building will block the view of that. The contractor will be moving down to a warehouse further down CR 215. The town of Parachute says there must be lights and first class landscaping.
Phillip- would not mind putting in the fence, thinks it is a great idea.
Houpt- on the driveway, if people are speeding and accelerating to get up to the speed limit, it may be helpful to have a sign not to accelerate coming out of that driveway. Employee education and signs will help.
Sandy- Most of the employees driving out of there are in company trucks, if they are speeding they could lose their company truck.
Phillip- posting stop signs as recommended by Jake Mall
Houpt- When you analyzed widening the current driveway, what was the downside of going that route?
Phillip- trying to provide more circulation by adding the extra access.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the special use permit to allow phase III of the Parachute Creek Gas Plant with conditions 1,2,3, striking #4, making #5 #4 , & adding #5 to allow the appropriate permits for service from the Town of Parachute be in place prior to the issuance of the special use permit and not as a condition, but I would certainly urge whoever the occupants of the upper lot if you will, encourage them to be good neighbors with their lighting as well, as far as the direction of it leaving their particular lot.
McCown- This is probably the most complete application and most well prepared application ever received.
Houpt- very well done application and with the growing norm in the county of oil and gas it would do good for people to communicate with their neighbors and to work through some things.

Houpt - aye Martin - aye McCown –aye Carried

BUILDING AND PLANNING:
CONSIDER A ZONE DISTRICT/TEXT AMENDMENT AT VALLEY VIEW VILLAGE LOT 47, FROM NEIGHBORHOOD COMMERCIAL TO MIXED USE. APPLICANTS ARE EDWARD AND IDA LEE HOAGLAND.
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 Wheeler, David McConaughy- Leavenworth & Carp, John Lawrence –Darter & Grace Homes, Chris Hale, Cassie Affirman

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 Comprehensive Plan of 2000; Exhibit F –Staff Report; Exhibit G- Application for the Text/Zone District Modification, Chairman Martin entered Exhibits A – G into the record.

1. REQUEST
The applicant is requesting to rezone their property from Neighborhood Commercial to a new PUD zone district called Mixed Use. 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.

2. CURRENT PROPERTY USE
Currently the property is an unimproved piece of ground. It appears the only use is for storage of equipment for construction activities in the area. All abutting roads are fully improved. To the south is an area zoned open space. Further south of the open space is a residential development of single family and multi family homes. It appears this residential development is nearing completion of the project. The open space parcel has mature vegetation which will act as a natural buffer from the adjoining development. The current zone district of the parcel is Neighborhood Commercial. In this zone district no residential uses are allowed.

PLANNING COMMISSION AND STAFF RECOMMENDATION

Planning Commission and Staff are suggesting the Board of County Commissioners approve of the Zone District/Text amendment with the following conditions:

1. That carwashes of any kind shall not be allowed in the proposed zone district.
2. That warehouse facilities shall not be allowed in the proposed zoned district.
3. That self serve storage units shall be allowed as a conditional use.
4. That the following modifications be made to the proposed zone district (changes are underlined):

   a) Minimum Lot Area:
   (3) 9,000 square feet for three <u>(3) family dwelling building plus 3,000 square feet for each additional attached unit on the same lot</u>
   b) Maximum Lot Coverage:
   <u>(3) The maximum number of dwelling units per building shall be as follows:
   Townhomes; 4 units per building, condominiums and multi family; 8 units per building</u>
   c) Minimum Setbacks:
   Strike the language "Unless otherwise permitted by special use permit"
   <u>(3) Single Family Detached Residence: Front yard; twenty (20) feet, side yard; five (5) feet, year yard; ten (10) feet, corner lot; side yard abutting the right-of-way, ten (10) feet,</u>
   d) Maximum Building Height:
   Strike the language "Unless variance obtained"

Richard- This site is on 7.9 acres. Existing zoning is neighborhood commercial. Medium Density Residential, Low Density, Residential, Public Space Residential and Open Space. The applicant is requesting to rezone their property from neighborhood Commercial to a New PUD zone district called Mixed Use.
McCown- am I missing something on Number 3 on the setbacks on Corner lot? If you have a corner lot, you could very well have the front and a side abutting the right of way. Is the front allowed 20 feet or 10 feet?
Richard- Well typically what the county has is what we consider to be a front yard is that point of the right of way or the driveway they use to enter the property. I would consider that the front yard would be pretty well defined as far as well you enter the property from the road.
McCown- If that was from the front then they would have to set it back 20 feet?
Richard- Correct.
McCown- If they made a driveway and put it to come in from the side then it would be 10 feet?
Richard- Then if the driveway came in from the side then it would become a front. Because that is where they broke the right of way to come onto the property.
David- There is a sketch plan application that technically is not part of this application. Plat note on the plat previously approved that states there must be a subdivision application before an application can be approved. That was held in advance and what we are doing here is asking for the zone text amendment before we proceed with a subdivision application for that lot. The concept is to do something similar to what has been done on the adjacent property.
The applicant is fine with the staff recommendation. There were not any plans for a carwashes.
Condition 4A- would like to be able to build the same density that is already there. The owner's expertise is residential construction. Need to have the density as the adjacent properties.
Houpt- not following you
David – If you look at the sketch plan, there is some of the land area of this property is taken up on the proposed sketch plan by an office building and some self storage units. If we need to come up with more land to increase the lots for a 4 unit town home building where that land is probably going to come from is from the where the self storage units are. We could get more residential units by eliminating some of the storage. Which is kind of counter productive because the self storage the planning commission thought would be a good idea, because it would help people in these Townhomes to put there stuff in there instead of filling up their garages.
Houpt- But, if we can improve on it by recommendations from staff that makes sense too.
Condition 3- if this is done in the primary stage then we may have to come back late for a conditional use permit. We cannot pull a building permit because of the plat note.
McCown- do you want this to be a use by right?
David- Yes
Houpt- How is commercial parks are defined? Why are self serve storage units allowed but warehouse facilities are not?

Richard-It is a piece of land that has multiple uses on it
Houpt- is a commercial park different than an industrial park?
McCown-Kind of what you might see at Saddleback village.
David- the only thing we are proposing to add is the residential village.
McCown- could you hit again on the residential lot sizes
David- minimum is 9,000 whether you have a 3 or 4 Townhomes. What we are proposing is that you have 9,000 for a 3 home or 12,000 for a 4. We want it compatible with adjacent parcels.
Houpt- did you think that would be an improvement to a cluster building
Richard- I didn't know if would be an improvement or not, I didn't work on the project before. Recommendation staff had based on experience. Take a look at 8 unit condo at 3,000 sq ft per unit is half an acre. Central water and sewer you want to look at density. We are hurting in this county for housing more than storage.
David- what we are concerned about is not the open space but how we draw lots and drawing a box around it in terms of what you define as a lot to put this building on. We would rather have the flexibility to do that in a way that makes sense and then the set aside the open space in accordance with the requirement which might be across the street or on a separate parcel or in the middle.

McCown- one thing that was struck by the proposed language which was the one sentence that allowed extraction and processing of natural resources.
Richard- That was something that was presented by the applicant to the staff to take that out.
McCown- Did they transfer those minerals rights? This would prohibit them from gathering their natural gas from under that. Is that something you want in there?
David- something that was in the zone district text, not our particular plan.
McCown- I would certainly support the processing, but the extraction we could not prohibit that.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the zone text amendment and leave the staff recommendation as shown in the handout as conditions of approval.

Houpt - aye Martin - aye McCown –aye carried

1. Public Meetings Continued

A. COUNTY TECH SERVICES INC. (CTSI) INSURANCE POOL
UPDATE-LOSS EXPERIENCE-JON WAGNER

County Technical services that Garco has belonged to since 1985. Commissioners who were farsighted in their need for these services. All the county money that is collected is used to pay out claims.

The commissioners who created the pool put in an addendum for sharing so that the money not paid out is in claims in put back into the pool. $128,000 was returned to Garfield County for the pool. Cap pool is extremely healthy. The pool is made up of county commissioners and administrators. The board is set at $19,000,000. Reinsurance for this pool is $500,000 up to $750,000.
Loss Analysis by County by Division-five year handout. Frequency has gone up but severity has gone down. Dollar wise it has went up. Vehicle usage is a predominant trend. Bodily injury went up; veh-rocks from trucks stayed the same.
Loss analysis since the inception of the pool. They did 4 defensive driving courses last year. This allows all the counties to participate and get money back. 98-99 were Reliance claims. Reinsurance Company went bankrupt, we got almost 5,000,000 back. T The pools health is in such financial health not being monitored. The pool is on its way back to financial health. 255 claims for a total of $644,496. Frequency and Severity have both gone up.
Green- Loader accident could be both
Jon- it could be but would not be counted twice.
Social services went down.
Nothing to put a finger on but it is creeping up. A lot of the sheriff's is training activities. Some of those are triple whammies. The trend that still holds fast is the slips and falls. Ergonomic issues are coming down. Training issues are going up. Cumulative trauma has gone down. Misc. injuries are there for when there is more than one cause for an accident.
Still providing onsite individual training for Sheriff and R& B.

PAVE THE ARENA AT THE FAIRGROUND.
Jesse Smith was present**.**

Frontier Paving has our asphalt contract. We had budgeted $40,000 to pave around the arena at the fairground. Frontier has bid $39,600.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

MAY 8, 2006
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 8, 2006 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
Sutank Bridge – John Hoffman said he was called on Friday from the State Historical Society and he needs 3 copies of one contract for signature to be sent in today. Found out the floor beams were engineered for foot traffic. About ready to get started on the feet, engineer doesn't have the construction designs yet.

Mark O'Fallon to get concrete blocks in the water. Like to start the project in August or September. It is also with the Army Corp permitting process so it will depend.
Extend the State Historic Grant for another year. No changes from last year's contract. Jeff Jackal has those contracts and he's been gone.

COUNTY MANAGER UPDATE – ED GREEN

- ***Building and Planning – Request for Professional Services – Mark Bean***

Fred Jarman, Mark Bean and Tim Arnett were present.
Tim presented the request to obtain proposals from interested firms to provide professional engineering services for various County departments. Services would be provided on an as-needed basis throughout the 2006 fiscal year.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Purchase of Contract for $30,000 for Mountain Cross Engineering, Inc.
Houpt – aye; Martin – aye; McCown - aye

- ***Human Services – Request for two new vehicles and one Motor Pool replacement – Marvin Stephens***

Tim and Marvin were present.
This was a late request as Lynn had some funds left over. The request includes: (1) Ford Free Star seven passenger van at a cost of $16,990; (1) Ford Escape 4-wheel drive at a cost of $18,969.00 and (1) Ford mid-size front wheel drive car for Motor Pool as a replacement for a 2000 Ford Taurus at a cost of $19,497.00. The total package and recommended bid is to award to Glenwood Springs Ford for all three vehicles at a cost of $55,456.00.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the purchase of the three vehicles to Glenwood Springs Ford for a not to exceed cost of $55,456.00 noting that these were not being purchased out of the capital fund and will be out of the Human Services fund for the two new vehicles.
Houpt – aye; Martin – aye; McCown - aye

- ***Road and Bridge – Resolution change on Four Mile Road Speed Limit – Marvin Stephens and Carolyn Dahlgren***

Carolyn, Lou and Marvin were present.
Lou stated this is carried over from a previous conservation held at the last Commissioner's meeting on May 1, 2006, and wanted to let everyone settle down as far as the air of concern out there with Four Mile and looked at the number of speeding tickets we wrote through the month of April and a couple of things to note is between April 22 and April 30 we wrote a total of 13 traffic tickets, and never more than 3 in one day; the lowest speed was 39 and the highest was 46 and everyone of them were above the normal 35 mph zone anyway. The Resolution was passed on April 3, Marvin said the signs were posted n the 13th of April and unless there are any tickets unaccounted for prior to this chart, there was a 9-day grace period before the 1st ticket was written.
Marvin said he had visisted with Lou and we're wanting to tighten the construction zone up a little as we originally started the project at the bottom of Four Mile and now I'm wanting to take it back up to 35 mph to there to 1 mile marker and it will be 35 to that point and coming back downhill it will be 35 until you hit Mildand. The rest of the zones will stay the same.
Chairman Martin – this is all based on the safety factors, the construction worker meeting, safety meeting, etc. all the way through.
Marvin – with Lou as well.
Carolyn and Mary Lynn talked about whether to put a Resolution in your package and decided to wait for your discussion today. As I understand it what the new Resolution will say is that the change will be from 35 to 25 mph through the work zone which defined as both lanes going up and down, mile marker no. 1 through dead man's curve until County 125 – Dry Park Road– that's where the 25 will be.
Commissioner Houpt – I still have to say that this is an unusually long construction zone and …… I realize the shortening of this is by a mile and really appreciate that and I'm sure hearing a lot from my neighbors but I just hope that – Tarco is doing a good job and moving forward very quickly, but I think in the future when we have a project that is several miles long we need to think about how you truly define that construction zone because they won't even be in certain portions for another month and it
Marvin – but they are still using the whole length of the road – they have a supply yard down at the end were this starts and they have to go in and out so we need to make sure that people use – my concern was about people speeding going up and down the construction zone and Lou has done a good job of protecting the construction workers.
Commissioner Houpt – well we all want to protect the construction workers and my only point is the future I think we really need to how we define that because I think we've gone well beyond an area.
Marvin - when you have a construction zone, you have a construction zone – I mean there's no getting out of it, that's where the work is going to be done. Summer time is construction time.
Lou – I think what a lot of people are seeing is its unusual for a County project to take up that much construction although on the interstate where it's 20 – 30 miles of construction zone, and I guess the next project if we're going to look at doing Dry Hollow Road, is that entire Four Mile stretch going to be a construction zone or are we going to – that's where this discussion comes in tot pay but it's more of an unusual event for the County to have a construction zone of that size as opposed to interstate highways.
Chairman Martin – soon to be the norm with the infrastructure improvements, so you'll be taxed as well as Marvin as well as the citizens.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Resolution once it is brought back to us changing the length of the construction zone. Marvin will post the signs.

Houpt – aye; Martin – aye; McCown – aye

CR 233 – Commissioner McCown said he was approached at the Energy Forum last Wednesday by a gentlemen that was very adamant that we raise the speed limit on the Silt Mesa Road CR 233 – it is 35 mph and he thinks its too slow to drive on that road given the quality of it and the site distance; his recommendation was no less than 40 mpr.
Marvin said he anticipates that Four Mile will be the same when we complete paving it.
Lou – new roads tend to drive faster.
Commissioner McCown – still the same number of driveways entering onto the road but it's a better driving surface.
Lou said he surveys the deputies and can give the Commissioners feedback.
Marvin has new counters that will give 80 percentile on the speed and will work with Lou.

CMC – CLETA Program – Lou - At the last meeting we discussed the Crown Vics and we have a total of 4 totaled. 3 have been turned back into Motor Pool and there's one more that's being used for a week or so and that will be turned in so he is confirming the total.
Ed recommended giving them all 4 Crown Vics to CMC for the CLETA Program.
Chairman Martin – give two and then revisit two more.
Commissioner Houpt – give two and look at other options for the car pooling.
Commissioner McCown – discussed this with Tim and feel we need to re-evaluate our purchase program for our Motor Pool; these vehicles have enough residual value the kind that we're buying now that they need to be traded in. Selling them at auction for $2,000 somebody's picking up a heck of a buy. I think these hybrid cars, Ford Escapes have a high resale value and giving these vehicles away to a good cause is wonderful but it's not in the best interest of the County always to say you can have it. He encouraged Tim to look at the trade-in value next year when we start our procurement.

- ***Garfield County Annual Report for 2006***

Ed presented the annual report to the Commissioners for their review, input and discussion.
Tresi and Linda took on this project.
Very good report – gleaned a lot from different departments.

Power Point Presentation – can put this on the website. Linda has done research on newspaper insert.
Gypsum prints the inserts – not able to do it – black and white – the other problem if they do it in color, he suggested that we go with outside printers and they will ship to him and he will insert it in the newspapers. Might check out a printer in Grand Junction – get three quotes.
Commissioner Houpt – suggested getting it out to more local Garfield County businesses.
Linda will continue with the search for bids.
Deadline is the end of this week.

- ***Fair – Resolution formally establishing Garfield County fair Board and appointing 2006 members – Jesse Smith***

Jesse submitted the Resolution and explained the purpose for the Resolution.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution and add the names to the list for the Fair Board.
Houpt – aye; Martin – aye; McCown - aye

- ***Fair – Resolution establishing the Garfield County Fair Fund – Jesse Smith***

Jesse presented the Resolution proposing to establish the Garfield County Fair Fund for the propose of the receipt and plan, organize and conduct annual County Fairs pursuant to the State, County and District Fair statue sections and the 2006 Resolution establishing the Garfield County Fair Board and Appointing 2006 members.
The monies received for all revenue from private donations, income from the Fair events and entry and gate fees and net proceeds of rodeos, concerts and other events presented as part of the Fair except the Fair Livestock Auction would be comprise the fund.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to establish the Garfield County Fair Fund and the Chair be authorized to sign;
Houpt – aye; Martin – aye; McCown - aye

- ***Fair – Resolution establishing the Garfield County Livestock Auction Fund – Jesse Smith***

Jesse – as mentioned previously the livestock auction fund would not be part of the Fair Fund and these monies would be used to plan, organize and conduct the Fair Board approved 4-H and/or Future Farmers of America Livestock Auction event at the annual County Fair.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution establishing
Houpt – aye; Martin – aye; McCown - aye

- ***Fair – Fair Board By-Laws – Jesse Smith***

Jesse presented the By-Laws to the Commissioners at the May 1st meeting but this was held over for additional time to review.

- ***Fair – 2006 Fair Concert Contract – Jesse Smith***

This is the entertainment for the Fair. The Fair Board will contract and pay and the $35,000 and they will be renting the Fairgrounds for $30,000.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Fair Concert Contract with Colorado West Promotions with the corrections.
Houpt – aye; Martin – aye; McCown - aye

- ***Fair – 2006 Fair Rodeo Producer Contract – Jesse Smith***

Jesse Smith and Don DeFord presented this at the May 1st meeting but was held over until today.

L Bar Four Rodeo Productions, Eddy and Tyler Lang are the ones holding the rodeo at the County Fair in August 2006.
Commissioner McCown suggested having this set on the consent agenda.

COUNTY ATTORNEY UPDATE – DON DEFORD
Executive Session: Litigation Update; Legal Advice - on-going DDA, update Personnel investigation; grant agreement on Historical Society – Sutank Br4idge – legal guidance on a letter from Silt
Ed, Carolyn, Don, Mildred and the Board are 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.
RFTA – Approval/authorization for chair to sign IGA – Randy Russell
Randy presented the IGA concerning trail construction between Catherine Store and Carbondale. A portion of the trail traverses unincorporated Garfield County and the construction of this portion is to commence in 2006 for accost of approximately 1 million dollars. RFTA will expend funds provided by the County solely on the trail construction between Catherine Store Corner on CR 100 and the Garfield County/Eagle County line at the end of Hook Lane Road.
Garfield County shall provide $50,000 to RFTA for the purpose of this Agreement upon invoice by RFTA.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the IGA concerning trail construction between Catherine Store Corner on CR 100 and the Garfield County/Eagle County line at the end of Hook Lane Road and the Chair authorized to sign.
Houpt – aye; Martin – aye; McCown - aye

- ***Airport - Aviation Uses – Approval/authorization for Chair to sign amendment to Sullivan/Green contract regarding inclusion of regulations specific to aviation uses – private landing strips***

This is an amended scope of work for PRT Consulting – subcontract with Sullivan Green Seavy LLC. to develop land use standards for the new airport development within the County and for development around the existing Garfield County Regional Airport.
Carolyn stated this is an amendment with Sullivan Green Seavy – she will subcontract at your direction to PRT.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the scope of services, the amended airport land use standards in an amount not to exceed amount of $15,900 and that's to be broken out $12,700 with PRT and $3200 with Sullivan Green Seavy.
Houpt – aye; Martin – aye; McCown - aye

Budget supplement

Don commented if Mark determines that he needs it this should be determined with the Accounting Director at a later date.

CONSENT AGENDA
a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Building and Planning – Chairman authorized to sign the Acknowledgement of Partial Satisfaction Subdivision Improvements Agreement for Phases C&D, Valley View Village Subdivision – Battlement Mesa PUD – Darter LLC. - Fred Jarman

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

REGULAR AGENDA
PUBLIC HEARINGS: BUILDING & PLANNING – AMENDED FINAL PLAT OF THE RIVERVIEW RANCH SUBDIVISION LOCATED EAST OF THE DIVIDE CREEK ROAD BETWEEN CR 335 AND THE COLORADO RIVER: APPLICANT: ROBERT M. REGULSKI – RICHARD WHEELER
Richard Wheeler, Bob Regulski and Barbara Clifton 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 – Staff Report dated May 8, 2006; Exhibit E - Application for the Amended Final Plat; Exhibit F – Letter dated November 7, 2000 from the State Division of Water Resources; and Exhibit G – Staff Power Point Presentation
Chairman Martin entered Exhibits A – G into the record.
In 2000 the applicant recorded the Final Plat for Riverview Ranch Subdivision. At the time the subdivision consisted of the 6 total lots. To the west and north of this subdivision are two un-platted lots, also owned by Robert Regulski. These un-platted lots are currently 2.09 and 3.95 acres. The applicant is proposing to extend the 6 lots of Riverview ranch to the north. The new lots will be larger and the donor tract will become slightly smaller.
This amendment is quite simply a large-scale boundary adjustment that will change the configuration of lots but not change the number of lots.

Staff Recommendation:
Staff recommends that the Board of County Commissioners approve the Riverview Ranch Subdivision Amended Final Plat 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 plat shall be shown or referenced on the amended plat.
3. Within 90 days of approval, the Amended 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.
4. That prior to the Chairman of the BOCC signing the Amended Final plat, the Applicant shall submit a revised Amended Final Plat showing that all building envelopes conform to the underlying setbacks for the AI zone district and the location of the well for Lot 6.

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 Riverview Subdivision amended final plat with the conditions recommended by staff making the corrections on the original plat notes to indicate the impact to roads has been paid, any other expenses that have been previously paid that may be indicated in the plat notes will be so noted.

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

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

MAY 15, 2006
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 15, 2006 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

- ***Out of State Travel for Tim Arnett – Dale Hancock***

  The request is for Tim to attend the Rocky Mountain Governmental Procedures Conference leaving May 31 and returning June 2, 2006. The cost is a not to exceed $361.00 and includes a car rental. The 2006 Summer Conference will be held in Cheyenne, Wyoming.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to Approve the out of state travel request for Tim Arnett in an amount not to exceed $361.00. In favor: Houpt – aye; Martin – aye; McCown - aye

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice - listen – Personnel Issue, Mr. Matheson, Accounting issue; Fairgrounds Operating Standards; Impress Contract – provide legal advice and latest developments; Fairgrounds issues – contents of the By-Laws and a moving target on the scope of services for the Concert Contract; Two items on contract for Oil and Gas issues, one concerns the contract with our advisor Mike Matheson and the other concerns potentially developing a contract for use of the second phase of the EnCana Fine monies; provide an update on on-going personnel issue in the Department of Human Services; and a Code Violation issue at Ironbridge.

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:

Pending Contract Agreement with Impress PR, the DBA Renal Lott is the actual contracting agent to provide public relations and advertising for the Garfield County Fair. The Board provided Don with direction on the contents of that document and at this time I need a motion from the Board directing that the Chair be authorized to sign a Purchase of Services Agreement with Renal A Lott, dba Impress PR and to that end there's scope of services incorporated by both Lott and Garfield County in that contract, and the Board will need to direct Don if the Board wants to see the contract altered from the format already presented to the Board..

A motion was made by Commissioner McCown and seconded by Commissioner Houpt that we authorize the Chair to sign the contract with Impress, Renal Lott in the format presented this morning in Executive Session.

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

Executive Session Discussion

- ***Fairgrounds – Discussion of Minimum Operating Standards for Garfield County Fairgrounds – Jesse Smith***

This was postponed and will be brought back to the Board.
Carolyn – the general use of County vehicles and insurance coverage was to come back in June.
The Board clarified that both of these will be coming back.

Request for Action - Colorado West Promotion Inc.
Carolyn presented changes to scope of services requested by the contractor and the Chair was authorized to sign this on May 8, 2006 but they are asking for a change and another vote on that amended scope of services and we've not heard back from the Fairground's manager, we need some leeway on the motion to allow Mr. Compton and Mr. Smith to make some decisions about equipment out at the Fairground.
Commissioner McCown made a motion to approve the amended contact with Colorado West Promotions Inc. and include the caveat regarding the bleacher items and their requirement and that we will supply those if they are available, however, if they are being used for the livestock auction and would not be available, other arrangements would have to be made by the applicant. Commissioner Houpt seconded;
In favor: Houpt – aye; Martin – aye; McCown - aye

COMMISSIONER REPORT
Commissioner Houpt – Thursday, preliminary meeting with BLM on oil shale planning; this week, the Focus Group on the health study and the meeting with Pitkin County BOCC.
Commissioner McCown – Thursday attending an Associated Government Meeting in Craig, a conflict with Northwest RAC meeting in Kremmling as there was a Statewide Sage Grouse Meeting going in Steamboat Spgs and he went to Craig instead. This week, on Tuesday at the Assisted Living Center in Parachute, on the agenda for a community group question and answer session, elected officials focus group at 8:00 at the Human Services Building at Tuesday from 8 am – 10:00 am with Skamania Institute; Wednesday the lunch meeting with Pitkin County; and blocking out the next week for his daughter Nicole's graduation activities. Commissioner McCown will not be at the Pitkin County lunch meeting.
Chairman Martin – left on Tuesday, May 9th to California for Western Interstate Region on multiple issues, also installed new officers and I am still on the Board of Directors for that the Western United States. We did review on RS 2477 – public lands, PILT, the rural school, self-determination act, also talked about all the inner city issues that we need to get involved in that are affecting both with Human Services, priorities, health issues, housing issues, etc. and it was a well versed conference; special meeting on public lands at CCI. Out of Town on Friday and Saturday
Fitness Fair – Friday, 10 – 2 here and Thursday in Rifle from 1:00 – 5:00 p.m.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Fairgrounds – Authorize the Chairman to sign a Rodeo Production Contract with L Bar Rodeo Productions – Tyler Lang – Jesse Smith
f. Oil and Gas – Authorize the Chairman to sign a Division Order from Williams Production RMT Company

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – f removing item c; carried.

HUMAN SERVICES COMMISSION
INDIGNT AND HOMELESS SERVICES – MIKE POWELL
Mike Powell, Karolyn Spencer, Tom Zieman and Mikala John were present.
Lift Up – Mike gave a brief overview of the program reiterating affordable housing is the greatest need in this valley.
Salvation Army
Mikala John provided the Board with statistics of 2004, 2005 and Jan – April of 2006 showing the totals increased from 557 in 2004 to 1116 in 2005 and already this year through April 337. He stated that the Salvation Army offers emergency services to those in need from Aspen to Parachute and many of the clients are families and most all of them are working or are on social security or disability. Finding affordable housing is the clients largest problem. Most pay an average of 50 to 60% of their income on housing.
Rent eviction prevention is the largest program and they help seven families per month with $300 of rent help. In order to help families they have developed a new education program that includes free workshops on the subjects of Basic Budgeting, Food Economics, and Legal Basics.
The will be moving in with Catholic Charities in the St. Stevens Church in June.
They are hoping to gain approval for a temporary housing unit for 25 people allowing families or individuals to stay there 3 to 24 months. This will be built in the Glenwood Meadows area.
Feed My Sheep Ministry
Karolyn Spencer, Director provided information to the Commissioners showing they continue to serve the homeless of the Roaring fork Valley and Garfield County by utilizing a motel room without beds to provide light breakfast, carry out lunch, shower, phone, mail and message services.
In 2005 they served 241 individuals up from 153 in 2004 and 4261 visits up from 3934 visits in 2004. Of the 241 there was about 59 year round or seasonal locals. They lived in tents, trucks or cars, campers or RV's or with friends. Over the year of 2005 and the winter 2006, 22 achieved permanent housing in an apartment or trailer with space rent.

Feed My Sheep opened a second room at night during December, January and February where between 5 – 15 people took advantage of this option with an average of 10 – 12 people a night. Many of these individuals who use the services have lived in this valley for as long as 42 years.

The ministry hopes to expand to three motel rooms instead of two next winter and will need to raise $15,000 to cover the cost.

Housing – this continues to be the primary issue affecting the homeless in our valleys. Low wages makes it difficult for a person to save funds to pay the deposit and first and last month's rent payments.
Commissioner Houpt - Should we look at homeless shelters in the future?
Karolyn has her eye on a place. Hopefully the city will let them move into a place. This has 5 bedrooms and could sleep 10 at the most and potential to add on – gives the homeless a way to graduate into other housing – nothing at present for the single male or female.
Catholic Charities
Tom Zieman stated they provide ***emergency financial assistance*** for rent, utilities, lodging, food, pharmacy, medical/dental, transportation and insurance. The figures are slightly ahead of last year's figures and spending is up mostly due to the increased spending on the 18 Katrina evacuee households we served locally.
Transitional Housing Project – is a HUD project they sponsor along with the Advocate Safehouse Project. On October 1 they will take over the whole project as the Advocate Safehouse has decided to not continue with the program. They will provide rent assistance and on-going case management for up to 12 previously homeless individuals/families. Clients can stay in the program for up to two years. The HUD grant was renewed and will continue through October 2006. They also received a grant from the Daniels Fund and have added another 10 transitional housing slots.

Transitional Housing – effective October 1st. This will bring 10 – 12 families. A new grant and have added 10 additional families. They are renting housing and teaching people how to "fish" Once the slots are filled up there's no sense of having a waiting list. These people need to work on mental health issues, need more job training, working on job skills and could keep a list but this gives people false hope.

The move to St. Stevens Church will occur later this month. The Salvation Army, Lift Up food bank and Feed My Sheep will also be housed at the facility. This will create a one-stop location for those that have basic needs. Congregations and Schools Empowered (CASE) will also have an office in our building. CASE is a community organizing effort that will bring large groups together in order to work with local governments in solving local social concerns. CASE will be addressing the root causes of why people seek social services in the first place.
Plan to have an open house and will invite the Commissioners to attend.

Recommendation
The lack of affordable housing is the number one social problem in the country. We would ask the that the County Commissioners make housing a priority this year and urge other local governments and business leaders to address this issue now. Catholic Charities is ready to work with you on addressing this problem.
Commissioner Houpt – interest in getting a regional discussion going on this – Housing Trust – many of the communities in the County as well as Basalt and Pitkin and could be a good place to start as to where and what type – the reality is that the free market cannot address all the needs in this valley.
Chairman Martin – talk and do nothing – build it and stop talking about – enough study and we need to do something. Put money where our mouth is.
Tom – talking to Basalt for years, have money to buy the land but obstacles are there.

Lift-Up – Rifle Building
Mike Powell gave an update on his move. Elevator needs to be installed – have the CO and are legal but would have to close in order to put the elevator in. Subject to change, try to be open on June 10 and will have a grand opening. A Saturday event.
The expense is at $70 a foot for the building. Sally Brand fortified all her expense for the effort and challenged others to do the same.

BOARD OF HEALTH
REVIEW AND APPROVAL OF WIC CDPHE CONTRACT
Yvonne Long presented the WIC CDPHE Contract for the Board's approval. This is for an amended total financial obligation of the State of $742,266.00 for the current term of October 1, 2005 through and including September 30, 2006. The current term is increased by $9,062.00.
A motion was made by Commissioner McCown to approve the increase in the WIC contract in an amount of $9,062.00. Commissioner Houpt seconded.
In favor: Houpt – aye; McCown – aye; Martin – aye.
PANDEMIC FLU PLANNING AND PREPARATION – YVONNE LONG AND SARA HARTER
Yvonne Long and Sara Harter represented Mary Meisner.
A pandemic is a global disease outbreak and an influenza pandemic occurs when a new influenza A virus emerges for which there is little or no immunity in the human population, begins to cause serious illness and then spreads easily person to person worldwide.
Various literature was handed out in a pamphlet.
Prepare for a Pandemic – website – make a ready kit. Be prepared similar to Y2K.
Transportation and resources scarce.
http://www.pandemicflu.gov/plan/
Flu can stay active on services 24 hours. Encourage people to stay home if they are ill.

Identify staff for critical functions, suspend non-critical functions, and build depth by cross training workers, alternative work schedules,

Make a plan – make a difference.
Gave the Board a Ready-Kit as a sample for people to make their own.

BOARD OF HUMAN SERVICES
COLORADO PREVENTION PARTNERS GRANT PRESENTATION – SHELLEY EVANS
Lynn Renick and Shelly Evans presented a power point presentation was given regarding the purpose and goals of the Grant.
Alcohol and Drugs – CDC – prevention with substance abuse. – a New way – quality prevention to communities. A power point was given with a focus on change for entire communities. Communities must participate in state-wide goal of changing underage drinking-related problems.
The 5 steps were illustrated in a diagram beginning with the community needs assessment and readiness for action and ending with an evaluation for results and sustainability.

APPROVAL OF EBT/EFT DISBURSEMENTS FOR APRIL 2006
The total disbursements for April totaled $491,906.25. Lynn requested approval of the Board.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the expenditures for the EBT/EFT disbursements for April 2006 for a total of $491,906.25**.**
In favor: Houpt – aye; Martin – aye; McCown - aye

CONSIDERATION AND APPROVAL OF PLACEMENT CONTRACT
Lynn submitted the placement contract to Friends of Children, Tennyson Center, ID #Y012779 in a not to exceed amount of $11,483.25.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the placement contract to Friends of Children, Tennyson Center, ID #Y012779 in a not to exceed amount of $11,483.25.
In favor: Houpt – aye; Martin – aye; McCown - aye

RECLASSIFICATION REQUEST – ELIGIBILITY DIVISION RESTRUCTURE
Lynn stated the department is restructuring the Eligibility Division in order to develop and establish a Quality Assurance Coordinator from an existing, vacant eligibility program coordinator position. The Assurance Coordinator would provide a formalized Performance Improvement component n order to assure that random case reviews are conducted on a monthly basis and objective/quantifiable information is provided to management for monitoring data input, compliance with applicable rules and regulations and identifying training needs.
In order to do this there are two program coordinators who will be supervising more individuals and move them into a pay grade increase. The hours will increase to 40 hours a week.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the reclassification request of three positions as outlined in the Department of Human Services as outlined by the Director with an anticipated impact of $17119.00 for 2006.
In favor: Houpt – aye; Martin – aye; McCown – aye

SINGLE ENTRY POINT HOME AND COMMUNITY BASED – MENTAL ILLNESS PROGRAM POSITION
Lynn explained that as of July 1, 2006 the new contract year with the Colorado Department of Health Care Policy and Finance for the 9 county Single Entry Point Program will have a new component which has in the past been subcontracting with Colorado West Regional Mental Health Center. However, they will no longer be performing these job responsibilities and the State program audit emphasized increased accountability for required documentation on the state SEP computer system. For these reasons, the Department is recommending that the provision of services be provided internally. To accomplish this, a full-time position is being requested. There is an anticipated increase of $15,000 in the State Fiscal year 06-07 contract. The County's current contract with Colorado West Regional Mental Health Center is $35,149.92. With the anticipated contract revenue increase and the existing contract, the additional salary expense is expected to be covered. The request is for the Board to consider the request to add an additional staff person. Added expense of $15,000 however there is an increase in the contract that would offset this additional expense.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the additional staff person as outlined by the Director with the termination of the contract.
In favor: Houpt – aye; Martin – aye; McCown - aye

PROGRAM UPDATES
Lynn submitted the program updates for the Board's review.

REGULAR AGENDA
PUBLIC HEARINGS: LIQUOR LICENSES FOR KUM AND GO 3.2 BEER, OFF PREMISES; TRAPPERS LAKE LODGE HOTEL AND RESTAURANT & TRAPPERS LAKE LODGE 3.2 BEER OFF PREMISES; AND SPECIAL EVENTS LICENSE FOR ROSS MONTESSORI SCHOOL FOR MAY 27, 2006 – MILDRED ALSDORF
Mildred presented the proof of publications and provided the Board with the information regarding the licenses.
Ken Crow representing Kum and Go and this is a new establishment in the Battlement Mesa area. Mildred hasn't inspected the establishment as they are still building the facility.
Ken Crow explained the construction to be completed this week and the keys to the store will be

available and open on May 26, 2006.
A temporary license will be granted today and then paperwork submitted to the State for the license.
Computerized scan asks for an age and an identification is needed. Scanning identification is available.
Technology is available. The clerk has to take the identification and enter the Birthdate in the computer.
The state allowing beer in the coolers is not a realistic
Commissioner McCown made a motion to close the Public Hearing; Commissioner Houpt seconded; motion carried.
Commissioner McCown made a motion we grant the liquor license for Kum and Go, a 3.2% Beer License for off premise sales. Commissioner Houpt seconded.
In favor: Houpt – aye; Martin – aye; McCown – aye.

Continuation

Mildred asked for a continuation for June 12, 2006. Trappers Lake was unable to attend.
Trappers Lake has two licenses: one is a hotel and restaurant and the other is a 3.2% off premise retail license.

Ross Montessori School – Tammy Cassidy was present.
Chairman Martin swore in the speaker.
This is a special event license to be held on May 27, 2006 serving alcohol from 5:00 PM to midnight.
Bartenders will check the ID and bracelets will be given to those qualified. An open air tent and volunteers will watch the perimeters.
There will also be a band and silent auction with a special kid's area. Dinner will be served.
The location will be off CR 113 – Full Throttle Ranch.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Special Events license on the 27th of May, 2006.
Houpt – aye; Martin – aye; McCown - aye

PUBLIC MEETINGS: BUILDING AND PLANNING
BURDEN, DAVID AND SANDY – FINAL PLAT CONSIDER A REQUEST TO AMEND LOT B-9 OF ASPEN GLEN SUBDIVISION, FILING 1. - FRED JARMAN
Fred Jarman, John Muir, Architect and Carolyn Dahlgren were present.
This is an Amended Final Plat (Building Envelope Amendment).

4. The owner of Lot B-9 requests approval to reconfigure the platted building envelope on the lot. The illustration below depicts the originally approved building envelope in dashed lines and the proposed reconfigured envelope in a gray-hashed form. The reconfiguration generally enlarges the envelope primarily on the east and north sides. The Applicant requests the enlargement to accommodate certain outdoor improvements including a swimming pool.

John Muir is in agreement with the staff report.
STAFF RECOMMENDATION
Staff recommends that the Board of County Commissioners approve this amended plat request with the following conditions:

4. That all representations of the Applicant, either within the Application or stated at the meeting before the Board, shall be considered conditions of approval.
5. Within 90 days of approval, the Amended Final Plat shall be reviewed (paper copy), then signed and dated (mylar copy) by the County Surveyor, than 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 request with the two conditions that were recommended by staff.
In favor: Houpt – aye; Martin – aye; McCown - aye

PUBLIC HEARINGS: BUILDING AND PLANNING
PATRICK, TERRI – PRELIMINARY PLAN APPLICATION FOR THE SILT HEIGHTS SUBDIVISION TO BE LOCATED BETWEEN RIFLE AND SILT, NORTH OF I-70 AT THE END OF CR 259. – FRED JARMAN
Terri Patrick, Fred Jarman, Charlene Roth, Roger O'Neil and Carolyn Dahlgren 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 –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 – Memorandum from the Road and Bridge Department dated December 6, 2005; Exhibit I – Letter from the Colorado Geologic Survey dated November 20, 2005; Exhibit J – Letter from Mountain Cross Engineering dated December 6, 2005; Exhibit K – email from the City of Rifle dated November 21, 2005; Exhibit L – Letter from the Division of Water Resources dated 12-02-05; Exhibit M – Letter from Vegetation Director dated 12-09-05; Exhibit N – Letter from Dan and Dawn Bailey dated 12-09-05; Exhibit O – Memorandum from the County Environmental Health Manager dated 12-05-05; Exhibit P – Owner authorization to Shari Neuroth dated 12-12-05; Exhibit Q – Letter from the Division of Wildlife dated 12-05-05; Exhibit R – Letter from HCE to B & P received April 3, 2006; Exhibit S – Letter from Stuver, LeMoine and Clifton dated 3-16-06; and Exhibit T – Letter from Mountain Cross Engineering dated 5-10-06. Chairman Martin entered Exhibits A – T into the record.

Fred presented the staff report stating this is a request for review of a Preliminary Plan for a 4 lot subdivision on thirty-six (36) acres.

The Applicant proposes to divide the 36-acre parcel into 4 residential lots. The development proposes that each lot will contain a single family home. All lots are between five (5) and seventeen (17) acres in size.

The property lies at the toe of a hogback and generally consisting of rolling pasture land. The property is presently improved with a single-family dwelling on the north portion of the property. The property has been used for agricultural purposes. Existing vegetation includes limited mature cottonwood trees, sagebrush, and grasses. A stock pond also exists on the site. The site possesses a 180 degree view of the Bookcliffs and Colorado River valley. The property is served by a 14' wide road, which extends from the end of County Road 259 along the eastern boundary of the property. The most significant feature on the property is the Farmer's Irrigation Ditch (situated within a 110' easement, approximately), which meanders through a large portion of the property. Large lot agricultural and residential uses surround the property.

Water Quality is an issue: This exceeded the maximum levels and in order to remedy they suggested an RO (reverse osmosis) scenario to deal with this difficult water.

ISDS – all new lots would use ISDS. RO systems take a lot of water is produce the ISDS. The other issue is the ability for the RO system to have the pond filled with other excess water from the irrigation ditch. (go back and get the entire staff report mentioning some of Fred's written comments.

Fred pointed out the potential for the RO water, this waste water which is not potable water but its sprayable water to have that diverted into a system that would fill the proposed fire protection pond located on the southern portion of the property.

Fire Protection was referred to the District which had recommended a 30,000 gallon pond installed at the base of the property which they are proposing. The issue with this is how do you keep if filled; the residents who participated at the Planning Commission also discussed weed control and keeping the pond filled with evaporative loses from having a pond in the summer. They are accounting for that via West Divide Contract to ensure that the water either from shares that the owner has in the Farmers Irrigation Ditch, which are 5 shares and RO water, can you do that because the water you pull out of a well has to go back in by way of a septic system and that's generally a term of the well permit, that you have to return that back to the ground. There's a pending case right now, substitute supply plan that West Divide has submitted and they are waiting to hear in June.

Access/Internal Road – discussion at the Planning Commission. This is a non-exclusive easement and there is no formal agreement, only a handshake deal for maintenance. In order to do this there is a design criteria.

Legal Water – water is physically adequate and the applicant needs to obtain the permits from the West Divide and is Exhibit L.

Condition on the final plat – a wetlands area.

PLANNING COMMISSION RECOMMENDATION

On December 14, 2005, the Planning Commission unanimously recommended approval to the Board of County Commissioners for the Preliminary Plan of the Silt Heights Subdivision 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 and Planning Commission, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
2. The Applicant shall include the following plat notes on the final plat:
   a) *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.*
   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 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) *No further divisions of land within the Subdivision will be allowed.*
   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) Based on the analysis of the sub-soils on the property, Individual Sewage Treatment System and foundation designs are required to be conducted by a registered professional engineer licensed to practice within the State of Colorado. These studies and plans shall be submitted with individual building permit application for each lot. The cost of these studies shall be borne by the individual property owner.

h) All streets are dedicated to the public but all streets will be constructed to standards consistent with Section 9:35 of the Subdivision regulation of 1984, as amended and repair and maintenance shall be the responsibility of the Homeowners Association of the subdivision.

i) The mineral rights associated with this property (also known as Parcels 1, 2, 3, and 4 of the Silt Heights 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).

j) The water quality analysis as contained in the Water Supply Plan prepared by Zancanella & Associates on September 1, 2005 states that the water from the well was tested and found to have a poor quality, in that, it exceeded the maximum contaminant level for selenium turbidity, sodium, chloride, sulfate, total dissolved solids, iron, and fluoride. The analysis states that "treatment of the water will be necessary prior to human consumption." It is required that treatment of this water shall be achieved by a Reverse Osmosis (RO) type system. Due to excessive water consumption required by an RO system, all design flows for Individual Sewage Disposal Systems shall also be engineered to accommodate RO treatment systems.

3. The Applicant shall prepare an "Individual Sewage Disposal System Operation and Maintenance Plan" to be submitted to the Planning Department Staff for review prior to the public hearing before the Board of County Commissioners. This plan shall be incorporated into the covenants as part of the final plat application review.
4. The protective covenants shall assign responsibility for weed management along roadsides and in common areas to the Homeowners Association. The covenants shall describe how weed management shall occur on individual lots and be managed by each individual lot owner.
5. The Applicant shall 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 be held for revegetation.
6. The Applicant shall provide the revegetation security in the form of a separate letter of credit (amount determined by the County Vegetation Director) to Garfield County until vegetation has been successfully reestablished according to the County's adopted Reclamation Standards. The release of the security shall not occur until a formal opinion has been rendered by the County Vegetation Director as to the level of successful revegetation. This requirement shall be incorporated within the Subdivision Improvements Agreement (SIA).
7. The Applicant shall provide a "Soil Management Plan" to the County Vegetation Director for approval as part of the final plat submittal. This plan shall include 1) provisions for salvaging on-site topsoil, 2) a timetable for eliminating topsoil and/or aggregate piles, 3) a plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more.
8. The Applicant shall provide approved well permits for the wells that are to be drilled to provide water to the subdivision and an approved West Divide Water Conservancy District contract as part of the final plat documents. In addition, and prior to the signing of the final plat, all physical water supplies shall demonstrate the following:
    a) That a four (4) hour pump test be performed on the well to be used;
    b) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
    c) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;
    d) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
    e) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
    f) If the well is to be shared, a legal, well sharing declaration which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs;
    g) The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
9. The Subdivision Improvements Agreement (SIA) as well as the protective covenants shall provide that the irrigation water rights / ditch shares currently assigned to the property are conveyed to and owned by the Homeowners' Association (HOA). All related easements shall be shown on the final plat and dedicated to the HOA.
10. The Applicant shall pay the Traffic Impact Fee to Garfield County to be calculated and paid prior to recordation of the final plat.
11. The Applicant shall pay the cash-in-lieu for the School Site Acquisition Fee for the RE-2 School District of $200 per dwelling unit prior to recordation of the final plat.
12. The Applicant shall incorporate the following provisions into the protective covenants regarding fire protection for the subdivision:
    a) Vegetation should be removed from near any structures in order to provide a safe zone in the event of a wild land fire;
    b) When constructing access roadways into the parcels, consideration should be given to the weights of fire apparatus and accessibility during adverse weather conditions;

c) The address of the properties are to be posted where the driveway access the County Road and on the residence itself if a shared driveway if used. Letters are to be a minimum of 4 inches in height, ½ inches in width and contrast with background colors,

13. Should crossings of the Farmers Irrigation Ditch be required to access building sites, the crossings shall be approved by the Silt Water Conservancy District. Proof of this approval shall be submitted with any building permit application.
14. The applicant shall apply for a driveway access permit issued by Garfield County Road & Bridge Dept. and comply with the conditions of the permit. This shall include a paved apron at the driveway approach to CR 259 and a stop sign. The stop sign and the installation shall be as required by the Manual on Uniform Traffic Control Devices.

Fred reviewed the list of conditions plus adding the condition regarding wetlands.
#15. – wetlands shown by Beach Environmental would be shown on the plat as well.
Controversary of the water issue was the topic of discussion.
Fred stated the issue for irrigation is pending in water court is for irrigation. They have an existing activated West Divide Contract. The question is does a well on this ground affect a neighboring well. The augmentation for them to pull this water out of the ground does not cover the neighbor's well. This has raised a red flag with three new homes coming in. The applicant is going to represent to the Board that they would want to haul water to do so through the HOA which we have never supported as far as a long term provision of water service and so should you as a Board move this forward beyond Preliminary Plan, that condition no. 8 is ultimately the catch – if they can't prove that then they can't move to final plat and it's over ultimately unless they can prove a different way to fill that pond.
Commissioner McCown – two wells were addressed in the presentation yet I saw additional permits would be needed for the additional wells and even with the two wells there isn't a well sharing agreement that accompanied them. Fred cleared this up for me.
Commissioner Houpt – why we would move forward and not continue this until its out of water court because there's no predicting on how long this is going to take.
Fred – the Board has ability to do this – your regulations allow them to move forward to final plat as long as an augmentation plan is approved and put in place and that typically does rarely happen. In this case you have what he called a commitment for willingness to serve but the West Divide's attorney that indicates that this temporary substitute supply plan is in process and was submitted to the state and in his view that there aren't any reasons why this shouldn't be approved. The term used is that they perceive any insurmountable conflicts with the state to approve this. This is not in front of the Board and you're authority to say we deny it, have this as a condition in the event that this is approved then they can move forward on final plat and come back to you; if not then it still doesn't come back to you and you can't move forward.
Commissioner McCown – the only thing we don't have is the letter of confirmation on the fire pond. We have a legal water supply for the residences and an augmentation plan, all we don't have is the use of the RO water or some other means to fill the fire pond. That's what we're waiting for.
Applicant: Roger O'Neil with High Country Engineering presented the pre-plan review. The key thing is related to this fire pond. This was brought up as a good alternative. The fall back option is to haul water and fill it in the winter months. During the summer the irrigation ditch will fill the pond, they have this permission.
Submittals – letters given to the neighbors – submitted as Exhibits.
Terri Patrick – last night on Jewell Lane – told them about the project and the people signed a statement in support of the subdivision – she has 5 letters. A well was just constructed with Paul Straut and the yield was 15 gallons a minute.
Exhibit U was submitted.
Charlene Roth,
Public Comments– 2-11-41
John Jewell – property owner directly west of this proposal, doesn't want 8 new neighbors, has an active sheep ranch. Work for the Silt Water Conservancy and back to the pond – doesn't have enough shares of the ditch – one share is about what a garden hose and will evaporate faster than it can be filled. How can she keep the wetlands and pond filled. A major school bus stop – a lined pond – if they fall in they can't get out. Homeowners and how to fill it if not water to fill it. HOA's with 51% they can change – a defunct HOA and a dry pond. The farmer's irrigation is on May 15 and turned off October 15 – doesn't matter what the West Divide says – still only 6 months.
Dawn Dailey – directly to the north – concern is water – understands development. Agrees with John – not enough water – original well she drilled was dry. Haul water in the summer to keep her 300 foot lawn watered. Doesn't believe there's enough water and the access road. Fire pond – what if it breaks and flows the property below. Other subdivisions – Sun Meadows and they have water – for people who want to have places in the County and would like for the Board not to approve.
Linda Dwire and her husband – agrees with previous comments. Lives directly south and irrigation goes through her property. Other concern in the spring – a shallow well – if you put septic tanks above their spring it will contaminate their water.
Dawn Bailey – the Patrick's drilled water before and didn't get water.
Applicant: Roger O'Neil – this fire protection pond is not just for this subdivision. In the event that something else does get built this pond would not be used. There is enough water to fill the pond from the ditch – it's a 30,000 gallon pond. Also, waste water from the RO system could be used to fill the pond. Back up plan is to haul water if they can't use the ditch water or RO.
Terri Patrick – added that as far as the pond goes and they say there have a ditch that runs through there, when she bought the property, this was not brought to her attention and is not shown on any of their papers, a couple of weeks ago, Alan Dwire had his tractor and he cut down my fence, it's still cut down and he went in there and didn't ask, and he dug up that ditch and as far as the fire pond and kids drowning, my kids have lived out there fore 7 years and we've had a pond and nobody's drowned yet and yes there is a school bus that stops there, kids don't trespass on other people's property and they're very good about that

and if there is an issue I'm sure we could put up a special fence for that. Also, as far as filling that pond, she has no problem contracting with a company every single month to have them check and verify and send a statement that yes the pond has been filled every single month and we can make it larger that 30,000 gallons to allow for that evaporation and would like to ask John Jewell what degree he holds that he would know how water evaporates faster than it can run in because the pond I have right now stays all summer long and I fill it a couple of times, I don't have a liner in there and it stays until Christmas with water it in there.
Commissioner Houpt requested a response on the concern about the shallow well or the spring on the property below and the ISDS issue. There was a concern raised by Mrs. Dwire about the impact of having the ISDS systems above their property where they have a spring that they use for drinking water.
Roger – typically ISDS's are used throughout the valley in most of the remote areas, generally ISDS systems do their water treatment within the first 4 feet and after that it's further filtered and generally there's very little impact on developments of this size to downstream water. The main impact usually is nitrates and over a long period in very dense developments you do see raised levels of nitrates, but not with a development of this size. The other issue with the pond was raised, if it were to break – that pond's only up about a foot and a half, and most of that would be the free board and the rest is excavated down so it really can't break.
Linda – property lies south of the pond – this is their head gate up there and has already used it. If they are going to pipe it – the ditch comes through where the Patrick's want to put the pond. She doesn't want to have to haul water and doesn't want this ISDS to contaminate her water.

Carolyn – the comment had to do with the public access and to ask the applicant whichever way this ends up with declarations to make sure that you're decks are consistent with the dedication of a public right of way over part of that easement, right now you're Article 4 is not clear, it seems to speak about everything as a private road..

Commissioner McCown – I'm concerned about RO systems having had one for a while, it's not just a backwashing system, there's a normal rejection rate with an RO System and given the severity of the treatment the higher the reject rate so it's quite possible and in most cases you're rejecting two parts for every one part that you're able to produce good RO water. Given that fact then I think the average is 350 gallon per day per home and so those wells would have to produce in excess of a thousand gallons a day given the reject, with 700 going into the i.e. fire pond or the ISDS systems, was there a specific amount of design built it, knowing the ISDS systems were designed for RO but just for back flushing or the continuous rejection?
Roger – basically a one to one ratio and based on that there was basically two of the homes would actually keep the pond filled, the third one just ends up being extra.
Commissioner McCown – only if the wells are good, if the wells are bad or inadequate stop producing in the dry months off the irrigation system, these RO's will be by-passed because there will have to be some alternate means of water which would be hauling so then the RO will be stopped and by-passed and it will be treated water and then at that time a water hauling contract will be developed with someone.
Roger – we're agreeable to do that.
Commissioner McCown – the problem with that is primary for potable water is that the Town of Silt or Rifle or no municipality will not give you a perpetual contract for water if you live outside of that jurisdiction so if water supplies get short in the future and they have to cut someone off, it's going to the people with the plastic tanks in their pick-ups that suffer. They will shut off those supplies where you go in and drop in your quarters and then we've got a subdivision built and no way to fill the fire pond.
Roger – we're back to the fact that if there's not water, we're not moving forward, if we can't get wells out there that say we have water, this subdivision is not getting final platted.
Linda Dwire – what I would like, when she had talked to all of the neighbors, that's not true, she did talk to some of them but she didn't talk to the ones that this influences the most. A neighborhood meeting was suggested and talk to them but Terri said she didn't have time to talk and didn't want to talk to me.
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 - given the testimony I share water concerns so I am going to make a motion that this matter be set aside and continued until the 3rd meeting in June, there will be no additional notice required, if the water approvals are granted by the State and the West Divide Conservancy on the allowing the RO or Augmentation to go to the fire pond, this can be brought back to us and if not there would be no need to schedule it any further.
Commissioner Houpt – unless the water court hasn't met yet.
Commissioner McCown – it can be continued beyond the 3rd meeting in June. If it's denied there's no reason to reschedule. We're just setting this aside pending the decision of the water court.
Setting this aside depending upon the water court. This is what the applicant testified to.
Roger O'Neil – for clarification, what we offered was that we're tying to use the RO but the back up was hauling water for the fire pond.
Commissioner McCown – that wouldn't be a condition of approval.
Chairman Martin – that's based upon your historical decision making process of the Board.
Commissioner McCown – that is not a legal and continuous supply of water.
Chairman Martin – pending the legal opinion of the water court, if it is approved it can go forward and reviewed again, if not it is a denial.
Commissioner McCown – it would just die for lack of adequate water.
Carolyn – a question if the water court decision does not come down by the 3rd meeting in June,
Commissioner McCown– then it could be continued until that water court comes down.
Commissioner Houpt – if there's a permanent solution brought forward because the water court rejected this, I don't think we ask not to see this again, but.

Commissioner McCown – no, but the water court has to provide the solution and they're going to either allow the RO reject water to be the solution or they're not. That's the question whether that's going to be the proper augmentation or not, if they don't allow it, there's no need bringing it back because the water court will not provide an alternative answer, it would be up to the applicant to come forward with another answer and another application.
Commissioner Houpt seconded.

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

The meeting date is June 19th.

Executive Session - for the Glico, Inc.
Commissioner McCown requested a very brief session for legal advice prior to opening it up.
Commissioner Houpt seconded. Motion carried.
Commissioner McCown moved to come out of Executive Session; Commissioner Houpt seconded; motion carried.

GILCO, INC. – SPECIAL USE PERMIT TO ALLOW A CARDLOCK FUELING FACILITY LOCATED AT 23899 HWY 6 & 24, RIFLE, COLORADO – RICHARD WHEELER

Larry Green Ron Liston, Keith Gilstrap, Dick Gilstrap and Matt Langshorse.
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 -Application materials; Exhibit G – Staff memorandum;
Exhibit A – Mail Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Staff report dated 5-15-2006; Exhibit E – Application for the Special Use Permit; Exhibit F – email dated 5-10-06 Steve Anthony; and Exhibit G – email from Jake Mall Road and Bridge.
Chairman Martin entered Exhibits A – F.
Richard stated this is a special use permit for an automobile service station to allow a card-lock fueling facility. This is on a 5-acre parcel of land.
There is a lot of expansion on the proposed site plan. The proposed facility will be unmanned and opened 24/7, 365 days a year. The application does not anticipate any employees working at the fueling facility.

BACKGROUND AND PROPOSAL

There is lot of expansion on the proposed site plan. The underlying zone district allows all uses by right, conditional, and special that are found in the CL – Commercial Limited zone, §3.07 of the GarCo Zoning Resolution. As well as some additional uses found in §3.15 for the CDWC zone. A card-lock fueling facility is not directly listed under the special uses. The closest use is an automotive service station. This application is somewhat confusing due to the fact that the site plan shows a new warehouse, existing office and shop, these are not part of the permit. The SUP is only for the card lock fueling faciltity. The future structure that would inlcude vending, storage, residence and restrooms as a stand alone structure, would be uses by right in the CDWC. It is worth noting that these are ancillary to the fueling facility. Staff is of the opinion that the future structure (vending, storage, residence and restrooms) are uses " by right" in the underlying district and would not be considred part of this SUP.
The proposed facility will be unmanned, opened 24/7, 365 days a year. The application does not contimplate any empolyees will work at the fueling facility. Therefore it does not appear that water or sanitary service is required for this request.
Additional applications were to be submitted to staff on May 1, 2006 so that this request could be referred to various agencies for outside review. The application materials were not received until May 9, 2006. Staff has not had the chance to get referral comments from the following agencies:

- Garfield County Road and Bridge
- Garfield County Vegetation Department
- City of Rifle
- Rifle Fire Protection District

OUTSTANDING ISSUES:

Staff cannot recommend approval of this request to the Board due to the fact that outside review has not been completed. In this application, staff feels that it is important to get these comments from the previously mentioned review agencies. This SUP will need to be reviewed by Rifle for any water shed protection issues, or any other items that may directly impact the city. Fueling facilities do pose a fire risk that staff would like the fire protection district to review. County roads will be affected, Road and Bridge should comment on this. The County Vegetation department may request a specific weed inventory and mitigation plan as well as a re-vegetation bond.
The Board may choose to (1) continue this item to allow for outside review or (2) deny the request or (3) approve the request with conditions. If the Board chooses to approve the request, staff is recommending the following conditions of approval.

SUGGESTED CONDITIONS OF APPROVAL:

6. 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.
7. 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. Including but not limited to §5.03 and §3.15 of the Garfield County Zoning Resolution of 1978, as amended.
8. That the lighting of the facility shall be inward and downward facing with full cut-off fixtures and that no light shall trespass off the property.

9. That prior to issuance of the Special Use Permit, if required, a Rifle Watershed Protection District Permit shall be issued.
10. That prior to issuance of the Special Use Permit the Garfield County Vegetation department shall review the application and all requirements per that review shall be met or are in place prior to issuance of the permit.
11. That prior to issuance of the Special Use Permit the County Road and Bridge department shall review the application and all requirements per that review shall be met or are in place prior to issuance of the permit.
12. That prior to issuance of the Special Use Permit the Rifle Fire Protection District shall review the application and all requirements per that review shall be met or are in place prior to issuance of the permit.
13. That prior to issuance of the Special Use Permit the City of Rifle shall review the application and all requirements per that review shall be met or are in place prior to issuance of the permit.

No comments concerning review by those agencies due to a timing issue – noxious weeds – and Jake submitted his opinion on the access and his opinion – lack of a need for a Rifle watershed permit – close to the City and city limits – a fire risk, a fueling facility. Certain a review by the fire department and staff is requesting. Some outstanding issues but staff is leaving it up to the Board as to whether to continue it, deny it, or recommend approve with conditions and staff has provided a list of conditions that they may consider.
Applicant:
Ron Liston – Keith Gilstrap has been in contact with the Mike Morgan with the Fire District and Mike has not raised any concerns about the card lock operation and concerns that he has was availability on access, etc. so we're very comfortable with that condition and we'll give him a chance to put something in writing but not concerned about unusual conditions because of the conservations with him. They are very comfortable about the comments from the City. Apologize in the delays in getting the plans to the County.
Landscaping – the plan focused on the vertical side of landscaping along the south side on the Highway 6 right of way that provides for some screening; confident that 10% of the area will be in landscaping. Most of the surface areas will be in a native dry land type of treatment and focus our water on root systems for the trees we're proposing. We will address specifically any Russian Olives or Tamarisk that are there. Some big Cottonwoods are the most predominant.
The state has issued to permit for the card locking facility in reference to the state permit. The one area that didn't get addressed is Condition No. 4 – watershed protection district – his observation is they don't fall within that area. They can provide some verification that it is not necessary.
Matt Sturgeon and Ron have had conservations and request moving ahead with conditions provided by Mr. Wheeler and modify or drop no. 4 and this leaves getting something from the City of Rifle and the Fire District.
Commissioner Houpt – if it continues then it comes back to this venue.
Ron – reasonable request – lead time to get the equipment ordered and for the card lock – better off accepting a conditional approval.
Commissioner Houpt – thinks these two entities are important review entities and not comfortable without having their comments before the Board.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to continue this until June 5 at the 1:15 PM.

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

FIOU, JOE AND DIXIE, SPECIAL USE PERMIT TO ALLOW FOR AN ACCESSORY DWELLING UNIT LOCATED AT 36590 RIVER FRONTAGE ROAD, NEW CASTLE, COLROADO – RICHARD WHEELER

Dixie Fiou, Richard Wheeler and Carolyn Dahlgren 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 –Staff report dated May 15, 2006; Exhibit E -Application materials; and Exhibit F – Well Permit #147315.
Letter submitted giving Dixie authority to represent her dad.
The applicant requests the Board of County Commissioners grant a Special Use Permit (SUP) for an Accessory Dwelling Unit (ADU) located on lot 1 of the Meyers SB 35 Exemption. The proposed ADU will be a mobile home. The existing drive will be used as access to the proposed ADU

Staff Comment

Pursuant to the Meyers Exemption (reception #379113) the well, Permit #147315, on lot 1 was to serve both lot1 and 2 (plat note #5). The existing well is for only two homes. The applicant is aware of this and has obtained an additional well, permit # 267802 to serve one single family dwelling on lot 2. The applicant will have to stop severing lot 2 with the well water from lot 1, in order to serve the proposed ADU. The applicant will have to provide evidence that has been done prior to issuance of the SUP. The best way for this to happen is to have the applicant submit a well pump test and water quality analysis for both wells to ensure there is a physical, legal and adequate source of water for the residence and ADU on lot1 and the residence on lot 2. Sanitary service will be provided by a septic system that shall be approved by the County prior to issuance of the building permit for the ADU. This standard is not 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 Garfield County access and grading permits.
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 (4) hour pump test shall be conducted on lots 1 and 2 showing the ability to meet all existing and proposed uses as set forth in this application.
9) Prior to issuance of this Special Use Permit, the water quality for lots 1 and 2 shall be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.

Commissioner McCown – I would not a condition that guarantees a legal and viable source of water to occur on Lot 2, I think its an undue hardship for this application to have to go to the expense of testing that well.
Richard – you'd be okay with them proving adequate and legal source of water on Lot 2 but not by County standards with a pump test and adequacy by the state standards.
Commissioner McCown – don't think we can require that because there's not a land use taking effect there. Okay on Lot 1 because there is clearly an ADU taken place on that.
Commissioner Houpt disagreed and sees a direct connection and surprised.
Carolyn – the father owns both properties; is there another building already on Lot 2?
Dixie – my sister's home. The well permit that was mentioned is the original well that's supplying my sister's home on Lot 2 and my parent's home and I have a new permit to drill a new well for her house.
Carolyn – so Lot 2 will have a well permit.
Chairman Martin – and for safety's sake feels sure that her sister will test that water to make sure it is usable and drinkable, etc.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close Public Hearing.

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

A motion was made by Commissioner McCown to approve the SUP allowing for an ADU with the conditions of staff 1 – 9 changing No. 8 to indicate that an adequate and legal source of water be met for Lot 2 and that the 4-hour pump test shall be conducted to provide the water for Lot 1 – the new well. Commissioner Houpt seconded.

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

CLERK & RECORDER – ELECTION EQUIPMENT FOR 2006 – DISCUSSION AND DECISION – MILDRED ALSDORF

John Gardner from the Secretary of State's Office was present; he's the voting systems specialist. Most logical way to set up the equipment for HAVA compliance.
Mildred passed out the IGA from the Secretary of State where they were obligated from Congress where they gave so much money under HAVA for all the counties and that amount is $126,000; we have also put $75,000 back in our Capital fund for this equipment.

John Gardner, Voting System Specialist for the State of Colorado and focus on everything, voting systems related and provide support to the counties. The history of the change in voting systems, in 2002 Congress passed the Help America Vote Act which required a lot ofo things and in one section of that Section 3:01 is the replacement of punch card, level machines, the advancement of voting systems throughout the country and one of those requirements in the voting systems is a accessible voting device for voters that may have disabilities and that can be in the form of a direct record device or some other accessible ballot marking device. In addition to this in 2003 our state legislature passed some additional requirements that specified how these machines are certified, how they are to be used, what is an accessible machine which further limited the amount of machines that we could use. For example, our state, we can't have a ballot marking device, we must have a direct record electronic device for accessible voters. This is simply the way they set up what accessible voting means.
In addition to that Congress gave the Colorado Department of State $42 million dollars for these features to be advanced and for Garfield County, $126,000 is allocated to Garfield County. Mildred selected the vendor, Hart Intercivic as her first choice and scenarios were reviewed for enough equipment for all the Polling Places which one DRE is required for all Poll Place and optical scanners to count paper ballots. Paper ballots will still be required for Absentee Ballots, for Provisional Ballots and for those voters that may not want to vote on an electronic voting device. You can take some Early Voting machines and reuse those on Election Day, there's always a concern of staff to have back-up machines so this is a positive experience for the County, the voters.
Hart Intercivic, the vendor has a very aggressive professional services program for a cost of $22,000 and will have a project manager come and stay in Garfield County for 3 weeks for the service of the Clerk and Recorder to make sure the election is programmed correctly, that the machines are used properly to help with poll worker training and the staff to ensure the success of the election.
46 other counties will be using Hart Intercivic for their electronic voting equipment.
John – the requirement for the machines was January 1, 2006 and worked closely with the Department of Justice to get an extension to allow us to have the machines in place for our first federal election which is the Primary to be held on August 8, 2006. Due to the training involved and the set up and the time frame of

ballot certification, the County needs to have the equipment in place by June 9th. We are at the end of the time frame.

Mildred requested the IGA with the State and the agreement with Hart be approved today.
Commissioner McCown inquired as to the number of polling places.

Mildred explained how the system will work. In each Polling Place we will have a DRE – Electronic Voting and also the Precinct Counter with the paper ballots. This is not a Vote Center. The judges will bring the device that's it's counted on and the votes will be tabulated in the Courthouse.

Commissioner McCown – Given this electronic voting system, we're still going to have print paper ballots, so we're duplicating the efforts.
Mildred – not really because you have paper ballots for absentee voters. But for early voting we will use the DRE's instead of using paper ballots. This year with us always having paper ballots, Mildred thought it would be better to have both in the polling places because a lot of people do not feel comfortable voting on electronic devices even with the paper trail that we have.

Commissioner McCown – and these will be certified and good for the next four years; in two years we're not going to come up with something new and we have to start all over, are we as far as a requirement to meet the federal guidelines.
John – yes and no, they are currently certified and have included in the packet an approval letter from the Secretary of State for this contract with this amount of equipment, the rules and laws governing certifications do change for example in 2007 we will be under a new guideline from the Federal government, the EAC Election Commission is passing guidelines for certifications of voting systems; those changes will impact these machines. They will impact machines everywhere around the country and it's not just Colorado. We encourage counties to do is to go forward with as much warranty and support, some extended warranty and those should include any software and hardware changes over how many years that the County is able to purchase.

Mildred stated that if she keeps the 650 she has to upgrade it for $10,000 in order to use it.
Maintenance agreements and prepay we can get the additional. Don DeFord said if we prepay this year then we can go ahead and get the additional warranty.
Commissioner McCown – supports doing this, my biggest fear is not you, nor the Secretary of State of Colorado but something coming out of DC and before the 2008 Presidential Election these are declared antiquated and we start all over and we've only invested $180,000.

John – there are 46 other counties that have gone with this vendor with this exact same equipment. Over those 46 counties this is $12 million dollars of equipment that this vendor is supplying to the State so we'll be working in concert with that vendor to make this as cost effective as possible for any changes.

Commissioner McCown made a motion we authorize the Chair to sign the IGA subgrant agreement with Garfield County and the State for the purchase and lease of HAVA compliant voting systems.
Commissioner Houpt seconded.
In favor: Houpt – aye; McCown – aye; Martin - aye

Commissioner McCown made a motion we approve the Hart Voting System Master Agreement Contract and that the Chair be authorized to sign. Commissioner Houpt seconded.
Don – has a warranty and license agreement to be included in that motion.
Commissioner McCown amended his motion to include the warranty support and license agreement.
Commissioner Houpt amended her second.
In favor: Houpt – aye; Martin – aye; McCown - aye

Don asked if these funds have been appropriated.
Mildred - $75,000 has been put into capital and it has been held there for the last 3 years for us to use and the other money has not been put in the budget but we spoke of it as to what was authorized by the State. The $126,200 will be forwarded to us as soon as the IGA is signed.

Continued Executive Session – Mike Matheson – Oil and Gas
Commissioner McCown moved to go into Executive Session; Commissioner Houpt seconded, 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

_____ _____

JUNE 5, 2006
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 5, 2006 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

COUNTY MANAGER UPDATE – ED GREEN

- ***Informational Technology – Reclassification of position – Bryan Sholten***

Judy Osman and Bryan Sholten were present.

Bryan submitted the justification and new job description to the reclassification of Jerry Fields from IT Specialist to IT Analyst. This position is in the Sheriff's Office supporting computer systems. They need the security and this position has a higher level of work and supports the 9-11 and sharing of data within the County. Part of this request is to recognize the technical and the breath of the systems in off-hours recognizing the 24/7.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the reclassification of Jerry Fields as presented.

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

- ***Road and Bridge – applying hot bituminous asphalt on various county roads – Marvin Stephens***

Tim Arnett and Kraig Kuberry were present and submitted the recommended award to Grand River Construction for $463,769.32.

Tim said the areas were split out into areas this year.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the award to Grand River Construction for $463,769.32 for District One for applying hot bituminous asphalt on various co

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the award to United Companies for District 2 and 3 for District One for applying hot bituminous asphalt on various county roads in an amount not to exceed $788,025.00.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the award to Frontier Paving at the Fairgrounds for $34,470.00 for applying hot bituminous asphalt on various county roads.

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

Commissioner McCown complimented Tim for breaking these districts out as it saved a lot of money.

- ***Human Services – Single Entry Point Contract with Colorado Department of Health Care Policy and Financing – Lynn Renick***

Lynn Renick presented the Contract Amendment No. 1 between the State of Colorado and Garfield County Department of Social Services for contract year July 1, 2006 to June 30, 2007 for $517,544.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Contract Amendment No. 1 between the State of Colorado and Garfield County Department of Social Services for contract year July 1, 2006 to June 30, 2007 for $517,544.

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

- ***Fairgrounds – Minimum Operating Standards for Fairgrounds – Jesse Smith***

Jesse Smith presented the standards and discussed those with the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Minimum Operating Standards for the Fairgrounds as presented with the typos corrected.

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

New Oil and Gas Auditor – Tim Vincent – Ed said they used the procedure suggested by Commissioner Houpt and involved two of the EAB in the interview process.

Tim appreciated the opportunity. It will take a year or so for his family to get moved here. The first day of the job he got his feet real wet. He is unbiased and understands there are many issues.

COUNTY SHERIFF UPDATE

Sheriff – Fire Plan presentation

A power point was presented.

Kelly Rogers, Colorado State Forest Service – working on this plan with the Sheriff with assistance from BLM. The purpose was to summarize the current status of fire prevention, preparedness and suppression in Garfield County. Also to identify and prioritize those areas most at risk of wildland-urban fire areas, and to formulate a strategy for the appropriate response to wildland fires on all state and private lands within the county.

Rob Hykys began the GIS wildfire hazard assessment in 1996. In 2002 the Colorado State Forest Service Hazard assessment was completed.

The Communities at risk were identified and the areas

The areas on private/state land zones were divided between two Fire Management Zones – known as "B" and "C". B – Direct control tactics and C – indirect methods. On the private land in the remote areas of the County the Sheriff is willing to do indirect methods.

Action Items – 10 – improve public wildfire awareness; improve wildfire reporting process; Develop a local PIO and Type III Incident Management Team; input all non-federal cooperating agency personnel with a database for red card qualification; assist with development of Community Wildfire Protection Plans; coordination and dissemination of burn restrict information; identify cross-boundary fuel reduction project; continue to conduce wildfire hazard review of proposed development in

moderate or high hazard areas; Garfield County Annual Operating Plan; and identify landowners in potential indirect control areas on private land and enter into MOU's to manage fire on their lands. The Board recognized the work involved in this plan.

Lou looked at other counties and the biggest discussion was full suppression or allowing to burn. The decision was in this county is to do full suppression – put it out and do not let it burn.

Annual Operating Plan has been in place for years and Lou has a good data base for fire suppression.

Early in the 1800 the Sheriff being in charge of wildland fires was put in place and that was before fire districts and fire management areas.

Lou said the plan doesn't alter anything they are currently doing. They are fine tuning this as requested by the Board.

Kelly said it consolidates all these agreements into a single document and the AOP and Agreements are tied together. One benefit is to put on a map where the key concerns are and prioritize their plan. The Mapping and identification of the landowners and where it will be more manpower intensive or not is the objective.

As money for treatments go down, it is beneficial to put the treatments where most needed. It also is an educational process for landowners.

Dave Blair – the benefit is if we have a big fire like 2002 and by having the maps with the red zones identified it will be easier to get the fire personnel and suppression to where it is most needed.

All the fire chiefs were present.

The document is still at the printers.

- ***Sheriff – Control Tech Position***

Lou presented a request to add a control Tech Position to his staff.

This was developed last year and Judy, Lou and Carolyn has been discussing this as a civil position or a Sheriff position.

Lou needs the type of person in place that will work with his department and cooperation with the County.

Lou said the interpretation was confusing and believes they fall into the security personnel as they control the movement of inmates.

Carolyn stated that Lou redid the job description to an entry level but there is a business judgment to be made and found out that different sheriff's departments and if not properly paid it would result in back pay.

The Board considered the positions as security.

- ***Sheriff – Rate increases for Civil and Administrative charges***

Lou submitted a memorandum to the Commissioners requesting approval to increase certain fees due to the increasing business costs and explained the need.

Administrative Fees - $5.00 charge for copies of tapes (audio and video) and CD's.

Extensive Research Fees – add $100.00 deposit which would be credited to the actual cost of copies and the balance refunded.

Civil Fees – adjust the mileage rate for *criminal* services fees to be consistent with 30-1-104(h) CRS where the current approved maximum mileage allowance for state officers and employees is .28 cents per mile to be "consistent with the current County mileage rate" rather than requesting an adjustment every time the rate changes the allowable mileage rate of 44.5 cents per mile.

Mileage for *non-criminal* service is currently .36 cents per mile.

This was continued.

- ***Sheriff – Emergency Fire Fund rate increases and formula used by the State***

Lou submitted a letter and IGA from the Colorado State Forest Service dated May 10, 2006 for 2007.

Kelly Rogers presented. This is like a major fire insurance policy. This is to establish the County's basis for participation in the Emergency Fire Fund to provide for payments from the County to the Fund; and describes the conditions under which the Emergency Fire Fund will be managed. The agreement year is from May 1 through April 30 of each year. Kelly explained the contract and noted the increase for the assessment. It's recognized that the cost of these fires is escalating into the millions of dollars, particularly with aircraft.

Commissioner McCown – the governor had a Bill to dump several millions of dollars into the Emergency Fire Fund.

Kelly said these funds went into the Emergency Preparedness for tankers and part of the Wildfire Emergency Fund, designed to enable the County Sheriff to call out initial aircraft for the first drop on the fire for free. The Bill will extend this to hand crews to two shifts per fires and will include the DOC fire fighting crews.

THE COAL SEAM FIRE or one similar the County picked up a big portion of that. This Bill enables the hand crew and air tankers to be dispatched for free for one or two nights to mop up a fire at no cost to the County.

Kelly sees this as a big step

EFF and why the assessment is going up this year – it is based on a formula on property valuations times a multiplier x the overall forest land x a multiplier. The increase is due in Garfield County based on the valuation of lands. Other counties are seeing the same thing but not to extent as Garfield County.

The budget advice letter will be distributed in August and will be reassessed every year from now on. The formulas will be changed and more or less of a cap at a million dollars.

The originals were submitted and Lou recommended acceptance.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the IGA for participation in the Colorado Emergency Fire Fund between Garfield County and the State of Colorado State Forest Service.

2006 budget request – invoices go out in December and they are collecting one year in advance for 2007.

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

COUNTY ATTORNEY UPDATE – CAROLYN DAHLGREN

- ***Discussion regarding Board of Equalization Hearing Dates***

Shannon – 120 protests and need only 1 or 2 days for the BOE. A lot of commercial and few residential.
August 1 – 3 no. Tresi – gone 27th
Last part of July will be fine.
July – 31, 1 & 2 - The Board okayed. Mary Lynn will try to get all on 31st.

- ***City of Rifle – 1st Amendment to IGA to Establish Monitoring Wells – Consideration/Approval***

The First Amendment to the IGA was submitted for the Board's review. This grants to the County a revocable license to install remediation equipment and infrastructure and maintain monitoring equipment and infrastructure on City property, including trenches, soil vapor extraction wells, air sparge wells, monitoring wells, pneumatic wells, remediation piping and a remediation equipment building in the located shown in the attachment submitted.
Carolyn stated this was reviewed and ready for the Board to sign.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the 1st Amendment to the IGA to establish monitoring wells.
In favor: Houpt – aye; McCown – aye; Martin – aye.

- ***Executive Session – Legal Advise – Driveway Permit – Westbank; Sheriff – Control Tech Position – Annexation of County Roads 0 for Gravel Pit – Annexation Report; LOVA contract negotiations; Phase II – on-going litigation – Tim Vincent and Jess Smith needed & Information to the State on Monday. Personnel Issue – Ed - Accounting***

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 seconded by Commissioner Houpts come out of Executive Session; motion carried.
Action Taken:

- ***Full Time Position - Accounting***

  Commissioner Houpt made a motion to approve the new position, Assistant to the Controller. Commissioner McCown seconded; motion carried.

COMMISSIONER REPORT
Commissioner Houpt – Attended the BLM and Forest Service had grand opening of their new office in Glenwood Springs for permitting in a combined effort; Rural Resort meeting – success in getting money brought forth; Congress working on Bills and encouraging Congressional offices to work together. Graduation of her son. Sen. Salazar in the area looking at Oil Shale and GJ on 5-31-06; Look at solutions in a regional manner and work on private and public projects to work on affordable housing – Housing Trust Fund next week. Strategic Plan on Friday - expectations on where this organization should focus on the next several years – Energy the topic. Budget discussion – should we belong to two different COGS. This week – CCI conference and I-70 Coalition on Thursday.

Commissioner McCown – meeting Thursday, 6-1-06 new forest service ranger in Rifle and he went over some of the plans for the White River Forest. Timber harvest up Baylor Park area and impact 4-mile road. Salvage sale affect blow down timber tied up in the lawsuit. Will be let this fall and no work until 2007. This Wed – Bill Lamont, Library Board and plans on evaluation of what the Library will need and be and the new Library Director has given them a plan beyond the funds and a mill levy. Will meet with each of the Commissioners; Barbeque in Grand Junction for Salazar and I have to say I was disappointed to see that there was a letter circulated amongst all the governmental entities and Tresi you had signed off as a Garfield County Commissioner some of the upper valley governments had signed off and unless it was overlooked in the press, I know it was never discussed by our group as far as how we feel about this position on this letter; I don't know that it was discussed in public venues with any of the other local government entities before elected officials signed off on it, so I would just like to have the opportunity to discuss those kinds of things before a member sign off whether you sign as an individual and as long as you sign as long as you sign as a Garfield County Commissioner there is a perception that you are representing Garfield County's positions and that is unfair assumption since it was never discussed.
Tresi responded that was why I didn't sign as you saw from Mick Ireland that was for the entire board, mine was strictly for me and it was a very tight timeline and we didn't have a meeting and I did agree with it.
Commissioner McCown – who authored that letter?
Commissioner Houpt - It was Western Colorado Congress that put the letter together and I did get the call and said if I agree with the letter I'll put my name on it too and that's as much as I can said and I agreed with it – I thought it was well written and I'm sorry we didn't have the opportunity to discuss it, I didn't know how you felt about the position in the letter, but I thought it was… got the call and if she agrees she would put her name on it.
Chairman Martin – my opinion was in reference to the letter, the protest and the way it was staged, it was fire, ready, aim instead of ready, aim, fire.
Commissioner Houpt – I don't think it was negative….
Chairman Martin – that's the perception, I think it was very negative.
Commissioner Houpt – I think it restated what many of have said and I think I've heard you guys say it too and that's was we need to put some faith in this research and development plan.
Chairman Martin – unfortunately that's not the message that was being handed out with the T-shirts at the hearing which I attended, also the people that stood up and said NO Development whatsoever that still had the T-shirts on as well as the director saying this is wrong and we're not going to allow it to happen. I'm saying its ready, they should have approached it in a little different way if that was the intent of the letter but it didn't come out that way at the day of the hearing which I was there and we're weren't asked to testify.

Commissioner Tresi – yeah, but the letter was separate from whatever they did at the hearing. I'm not privy to what happened at the hearing.
Chairman Martin – special meeting on the 22nd; on the 23rd I gave the State of the County to the Battlement Mesa Kiwanis Club and fellow folks; on the 24th in the evening we attended a Little Britches Rodeo and we need an update on that particular finding, no contract between two competing entities on 2007 date and the meeting on the 25th with Kathleen Clark head of BLM somewhat disappointing; 31st – Devils Kitchen at Colorado Monument there was the barbeque and the follow up also included Oran Hatch which was articulate in reference to the finding as well as the Wilderness Coalition Group, the industry that has the two experimental places, very good information and the explanation of the Energy Bill on a 3 Phase process, we're only on the first phase and that is to research and before we issue any kind of leases and development that was the mis-information in reference to the letter that they were saying that the letter and the people behind that letter staying that they are already going to do strip mining and degedation of the environment and on and on before we have even talked about what the approaches could be and is it economically feasible, etc. or even allowable through Environmental illusion. So again it was fire, ready, aim.
Commissioner Houpt – well, I would disagree but we'll agree to disagree.
Chairman Martin – on June 1st after the oil shale hearing in Grand Junction, we had the Intermountain TPR where 4.5 million dollars on two projects were awarded because of Senate Bill 1 monies that came in above and beyond what was expected, we have about a two week process to get that money allocated; we were able to secure at least 4 million dollars to the project, our Number One TPR project in Carbondale which is the bridge at 82 and 133 – we secured those funds. However, we also had another request from the City of Rifle for $1,300,000 but it was defeated in a motion so Carbondale, Rifle and myself agreed that we would try to find a date to sit down and discuss it to see if those monies could be shared. Mr. Fink, from CDOT Region 3 would be willing to sit down and discuss those possibilities.
Commissioner Houpt – thought she heard from the group they weren't willing to see that shared.
Chairman Martin – it wasn't the group, this was in reference to the IGA between Rifle and Carbondale if it is possible or not. It would be assigned to the project. Human Service Commission on Tuesday the 6th in El Jebel from 9 – 6 and also have a BLM on extraction of fluids, the new Best Management Practice in GJ today and this evening at 7:00 p.m. is the new approach for BLM on all federal lands, everything from the color of exposed pipelines, compressor stations, dust management, noise etc. and requires on-site review with a surface owner, non mineral right holder.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Berger, Donald & Janice – Flood plain SUP for a property located at 4451 CR 117 – Fred Jarman
f. Satterfield, Jerry and Mary – Corrected Final Plat for the Satterfield Subdivision – Fred Jarman
g. Grand Valley Historical Society – CUP for a Community Building for a property located at 7201 CR 300, Parachute – Judy Hayward
h. Williams Production RMT, CO – Resolution and Special Use Permit for an Office Expansion located at 1058 CR 215 – Richard Wheeler
i. Hoaglund, Edward and Ida Lee – Resolution approving the Zone District/Text Amendment for Lot 47 – Valley View Village PUD
j. Travelers Highlands – Sign the Mylar for the Amended Final Plat for lots 10 & 15 – Richard Wheeler
k. Aspen Glen – Mylar for the Second Amended Plat of Lot E34 – Richard Wheeler
l. Boom's Place/Fritzlan, Robin – Sign Acknowledgement of Satisfaction of SIA – Fred Jarman
m. Darter, LLC – Valley View Village – Phases C & D – Sign Acknowledgement of Satisfaction SIA – Fred Jarman
n. Mamm Creek Commons, LLC – Sign SUP for Storage of Oil and Gas Drilling Equipment, Storage of Material Handling of Natural Resources – Mark Bean
o. Liquor License Renewals – Arroyo Saloon and Columbine Restaurant – Mildred Alsdorf

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – o exception of b & c and J and k; carried.

Consent Agenda

Mylars were presented for Items J and K.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve items J and K on the consent agenda. Motion carried.

REGULAR AGENDA

PUBLIC MEETINGS: CERISE RANCH PROPERTY OWNERS ASSOCIATION – ONE DOG PER LOT RULE – MARUEEN MARRS

Maureen Marrs submitted a letter to the Board with several signatures requesting the restriction of one dog per household be changed to two dogs. The lots range from 2 to 9 acres with the average lot being 3.7 acres. There are extensive open areas with a gravel trail running the length of the subdivision in common space which is quite a distance from the nearest home. They feel the neighborhood is conducive to increasing the one dog limit to two dogs per lot. The homeowners unanimously voted for the two dogs per lot rule within their subdivision.
The request is to have the Board make an exception to the rule.
Chairman Martin – no active enforcement and it would take a great deal.
Maureen – this is in the covenants – can't change the covenants without the Board changing the restriction. A potential buyer turned away.
Commissioner Houpt – we don't actively enforce it and supported the notion of changing this – know that it's difficult and perhaps this could be a piece meal attempt.

Chairman Martin – a condition of approval, open up the entire hearing on a PUD.
Carolyn – depends on how it is worded, a blanket manner.
Mark – proposal to change the rule – initiated by these folks – change regulations and Cerise Ranch do an amendment to change their conditions. Only thing is to change the regulation on the one dog per rule. This did come back to the Board. Planning Commission – treat all dogs in the County – 4 dogs or less.
Code Rewrite – BOCC did suggest something to come up in those discussions.
Commissioner Houpt – made a commitment to get this discussion and suggested they watch for the Code Rewrite; it will be on line.

PETROLEUM DEVELOPMENT CORPORATION OPERATIONS ON THE WEST SLOPE – UPDATE – A. TYSON JOHNSTON
Tyson Johnston and Dewey Gordon, Vice President for Petroleum Development Corporation. They were here two months ago.
Garden Gulch Access Road being constructed. It goes Parachute Creek up CR 215 – a 30 minute drive versus 1 hour 45 minutes. The benefits are fuel economy, less emissions, less traffic and less public nuisance. The location of the operations are north of DeBeque. Travel time from downtown Parachute is 1 hour 45 minutes trip time.
The Garden Gulch Access Road is located approx 7.75 miles north of Parachute via CR 215; an aerial map was shown. June 28, 2005 the road was started to be constructed.
Goal is to be able to operate year round and need a road that will allow travel.
The road is only partially visible from CR 215 and not visible from I-70. Dust – the cause of the dust is being caused by the blasting of solid rock forcing a short lived dust plume into the air.
To take care of the dust – they received permits: CDPHE Construction Permit; SWMP Stormwater Permit; and applied for the Conditional Use Permit. The action items include many attempts to mitigate the dust including watering the ground before operations.
PDC has contacted various companies involved with similar projects to come up with a way to mitigate the dust.
PDC has recently brought a water truck equipped with a water cannon to shoot water on the dust after and during blasting and mucking operations.
Tyson stated the last inspection was May 8th and the request for more details into the permit but did not have any violations or wrong doings.
Dewey said he didn't see any effect on Parachute Creek at all. If they affect current drainage patterns they will have to get it on tract.

Dewey – the dust is the most concern and they are trying to do some pre-watering and purchased a watering can but not out of compliance on anything.
The estimated date of completion is November 30, 2006 and expedited schedule to avoid prolonged construction.
This is a road that will have drainage, barriers, and in essence a two-lane road and largest grade will be 10%. Logan Walsh had 70%. They planned and built the road to ensure safety.
The slide showing the switchbacks. Benching is being done to eliminate erosion.

Tyson said they created a diversion ditch to keep water from going over the top of the cliff and some clay seams to bolt rocks. The bench will be 8 to 10 feet deep to help catch the rock.
Tyson@pdc-rockymtn.com

Full time project manager with the construction crew – Yenter Construction who does all of I-70.
In-holdings – emergency access allowed for any long-term access.
Dewey – would not deny any emergency access. Some companies were offered to be involved and they will be denied access on a regular basis.
Tyson – a helipad on top for safety. The only access is up Logan's Walsh which is the long route. The helipad is a flat area and no trees, power lines, etc.
The berming on the road is big and they will be 3 foot with 2 foot tops and 8 feet wide and 3 foot 11:02 – 00 and some concrete barriers on the narrows. (Type 4 barriers).
Width of the road is 28 feet and a berm on the outside area.

ABATEMENT OF TAX LIEN SALE 2002-46 ON SCHEDULE R008184 ASSESSED TO AGNES BEATRICE DARROW, BENZEL LIVESTOCK, CERTIFICATE HOLDER – GEORGIA CHAMBERLAIN
Georgia Chamberlain presented the abatement stating that the tax lien sale in question attaches to mineral right. A typo was made in the legal description when the schedule was put on the tax roll and the incorrect township laces the minerals in Rio Blanco County, not Garfield County. As the coterminous surface owner Benzel Livestock bought the lien at the tax lien sale in November of 2002. The typographical error was discovered at the end of the Treasurer's Deed process, after a title search had been done on the property and after the property had been published in the newspaper but before the deed was issued.
Georgia submitted a Resolution concerned with abating tax lien sale 2002-0046 on Schedule #R008184 assessed to Agnes Beatrice Darrow Benzel Livestock, Certificate Holder.

Abate the tax lien sale and refund Benzel all expenses and then put the years back on the tax role with the correct legal description.
Commissioner McCown made a motion to approve the tax lien sale 2002-46 on Schedule R008184 assessed to Agnes Beatrice Darrow, Benzel Livestock, certificate holder and authorize the Chairman to sign the Resolution.
Commissioner Houpt seconded the motion.
In favor: Houpt – aye; McCown – aye; Martin – aye;

Executive Session - Legal Advice – related to a personnel matter
A motion was made to go into an Executive Session
PUBLIC HEARING: BUILDING AND PLANNING:
CONTINUED HEARING – GILCO, INC. – SPECIAL USE PERMIT TO ALLOW A CARD LOCK FUELING FACILITY LOCATED AT 23899 HWY 6, RIFLE, COLORADO – RICHARD WHEELER
Larry Green, Ron Liston, Keith Gilstrap, Dick Gilstrap and Matt Langshorse were present.
On May 15, 2006 the following exhibits were submitted.
Chairman Martin entered Exhibits A – F into the record.

A	Mail Receipts
B	Proof of Publication
C	Garfield County Zoning Resolution of 1978, as amended
D	Staff Report dated 5-15-2006
E	Application for the Special Use Permit -
F	Email dated May 10, 2006 from Steve Anthony **new exhibits**
G	Email dated May 11, 2006 from Jake Mall
H	Second Email dated May, 11, 2006 from Jake Mall
I	Email dated May 31, 2006 from Matt Sturgeon City of Rifle

J Staff Report submitted June 5, 2006.
Chairman Martin submitted Exhibits H, I and J into the record.
Chairman Martin swore in the speakers.
Exhibit I was submitted into the record.
Commissioners look at the possibility for emergency access and otherwise the 6 & 24.
City of Rifle gave us a review of the plan and staff incorporated those within the staff plan. Therefore staff recommended that the City of Rifle be the permitting of the signs in order to be in compliance with their code.
BACKGROUND AND PROPOSAL
There is lot of expansion on the proposed site plan. The underlying zone district allows all uses by right, conditional, and special that are found in the CL – Commercial Limited zone, §3.07 of the GarCo Zoning Resolution. As well as some additional uses found in §3.15 for the CDWC zone. A card-lock fueling facility is not directly listed under the special uses. The closest use is an automotive service station. This application is somewhat confusing due to the fact that the site plan shows a new warehouse, existing office and shop, these are not part of the permit. The SUP is only for the card lock fueling faciltity. The future structure that would inlcude vending, storage, residence and restrooms as a stand alone structure, would be uses by right in the CDWC. It is worth noting that these are ancillary to the fueling facility. Staff is of the opinion that the future structure (vending, storage, residence and restrooms) are uses " by right" in the underlying district and would not be considred part of this SUP.

The proposed facility will be unmanned, opened 24/7, 365 days a year. The application does not contimplate any empolyees will work at the fueling facility. Therefore it does not appear that water or sanitary service is required for this request.
RECOMMENDED CONDITIONS OF APPROVAL:

14. 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.
15. 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. Including but not limited to §5.03 and §3.15 of the Garfield County Zoning Resolution of 1978, as amended.
16. That the lighting of the facility shall be inward and downward facing with full cut-off fixtures and that no light shall trespass off the property.
17. That prior to issuance of the Special Use Permit, if required, a Rifle Watershed Protection District Permit shall be issued.
18. That prior to issuance of the Special Use Permit the Garfield County Vegetation department shall review the application and all requirements per that review shall be met or are in place prior to issuance of the permit.
19. That prior to issuance of the Special Use Permit the County Road and Bridge department shall review the application and all requirements per that review shall be met or are in place prior to issuance of the permit.
20. That prior to issuance of the Special Use Permit the Rifle Fire Protection District shall review the application and all requirements per that review shall be met or are in place prior to issuance of the permit.
21. That prior to issuance of the Special Use Permit the City of Rifle shall review the application and all requirements per that review shall be met or are in place prior to issuance of the permit.

Larry Green – Item 4 and 8 were clarified as to timing, and on No. 4 a signed permit from the City is fine but would like it to be before we can get our CO to the extent we are using that as the short hand rather than before the issuance of the SUP and same things with Condition 5 and 7, I think the intention is that those items, the breakaway access gate and the landscaping be in place prior to the final inspection of the completed canopy and as long as that's clear, we're fine with everything else. The access on CR 264 is not necessary for the Card Locking Facility but limiting that to emergency access or breakaway barriers.

Wants to get this approved so building can begin operations.

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

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for a Special Use Permit to allow a Card Lock Fueling Facility for GILCO, Inc. located at 23899 Hwy 6, Rifle, Colorado with the 8 conditions of staff changing No. 4 to read "that prior to the issuance of a CO or final inspection, the applicant shall get their signed permit in place at that time.

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

PUBLIC HEARING: BUILDING AND PLANNING: RIFLE VILLAGE SOUTH – ZONE DISTRICT AMENDMENT ON A 8.49 ACRE PROPERTY LOCATED AT 335 VILLAGE DRIVE, RIFLE, COLROADO FROM RURAL RESIDENTIAL DENSITY ARRD – BRAIN AND TANNI RUST – RICHARD WHEELER

Barbara Chase, Jan Shute, Richard Wheeler and Tanni Rust were present.

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 6-5-06
G	Application for the Zone District Amendment

PROPERTY SIZE: 8.49 Acres

REQUEST

The applicant is requesting to rezone their property from RLUD to ARRD. The purpose of the rezone is to obtain zoning allowing an ADU – by special use permit.

CURRENT PROPERTY USE

Currently there is one single family home on the property. The subject parcel is part of the Rifle Village South subdivision. The rather large parcel in this subdivision can not be further subdivided. Current subdivision regulations do not allow further subdivision of a lot that is part of a recorded subdivision. This leaves the current owner of the property with a lot that cannot be split into smaller lots – as many of the Rifle Village South lots are. In order to have the ability to apply for a special use permit to allow and ADU the applicant is requesting to rezone to ARRD. The applicant is aware should the property be rezoned that is not a guarantee the Special Use Permit will be granted.

The Planning Department recommends approval.

Barbara – This is a rezoning to allow an ADU in a floodplain.

APPLICABLE LAND USE REGULATIONS FOR THE PROPOSED ZONE DISTRICT AMENDMENT

§CRS30-28-116 (Colorado Revised Statutes and §10.00 of the Garfield County Zoning Resolution of 1978, as amended.

The Colorado Revised Statutes (CRS) establish general standards of review for rezoning land in the county. The standard used to review a rezoning request depends on whether the proposed rezoning is in compliance with the Comprehensive Plan. If so, the proposed rezoning need only bear a reasonable relationship to the general welfare of the community. If the rezoning would be in conflict with the Comprehensive Plan, the Applicant generally needs to show either 1) that an error was made in establishing the current zoning, or 2) that there has been a change in the conditions of the neighborhood that supports the requested zone change.

STAFF COMMENTS AND RECOMMENDATION

Although it appears the request is to "down zone" the property – in terms of minimum lot size, the requested ARRD zone district will provide the possibility for an ADU. Staff feels the request is in conformance to the Comprehensive Plan. The Comp. Plan Map designation for the area is subdivision. The subject parcel is part of a subdivision and the requested zone district also allows subdivision. There appear to be no conflicting issues relevant to the comprehensive plan. The property is on the east end of the subdivision and directly next to ARRD zoning. Aside from the subdivision all of the zoning is ARRD. Due to the location of the lot to ARRD zoning, it appears this request will be compatible to the area. Staff is recommending the Board of County Commissioners approves the zone district amendment.

PLANNING COMMISSION RECOMMENDATION

Based on the staff report and testimony given at the meeting, the Planning Commission unanimously recommended approval of the zone district amendment to the Board of County Commissioners.

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

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

A motion was made by Commissioner McCown and seconded by Commissioner Houptto approve the request for zone district amendment on 8.49 acres located at 335 Village Drive based on the fact that the request is in substantial conformance to the Comprehensive Plan to support requested zone change from RLUD to AARD.

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

PUBLIC HEARINGS: BUILDING AND PLANNING: OLD CASTLE SW LLC AND YVONNE CHAMBERS – SUP FOR EXTRACTION, PROCESSING AND MATERIAL HANDLING OF NATURAL RESOURCES (GRAVEL PIT) ON A PROPERTY LOCATED APPROXIMATELY ONE (1) MILE EAST OF RIFLE AND SOUTH OF STATE HWY 6 – MARK BEAN

Ben Miller acting as agent, Bill Bailey, Brent Kerr and Mark Bean, were present.

The County attorney 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.

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 – September 3, 2002, Exhibit F – Letter from DOW dated February 4, 2006; Exhibit G – Copy of the City of Rifle Water Shed Permit; Exhibit H – Memo from Steve Anthony, Vegetation Management dated April 5, 2006; Exhibit I – Letter from Michael Erion, Resource Engineering dated April 5, 2006; Exhibit J -Application materials; Exhibit K – Old Castle SW LLC supplementary information submitted to the Planning Commission; and Exhibit L – Pictures submitted by Jeanna Furman. Exhibit M – Easement Agreement between Yvonne Chambers and Exhibit N – letter from Darlene Estes, Exhibit O – Exhibit from Ella Barker. Chairman Martin entered Exhibits A – O into the record.

General Project Description

The Applicants requests the Board approve a Special Use Permit (SUP) for "Extraction, Processing and Material Handling of Natural Resources" to operate what is to be known as the Glen gravel pit. The proposed gravel pit will occupy 35.51 acres of the properties in the application.

The applicants propose to mine the property over a 2.8 year period of time, at an average of 300,000 tons a year. Aggregate sales are estimated at an average of 190,000 tons/yr., concrete at 75,000 tons/yr. and asphalt at 35,000 tons/yr.. The life expectancy of the mining operation is based upon the average annual rate of production. If the rate of production is increased to an identified maximum rate of production of 510,000 tons/yr., the life of the mining operation will be shortened proportionately. The maximum tonnage projected for the site 739,736.

Facilities proposed to be located on the site, include portable processing crushing, screening, washing, cement, and asphalt plants. The plants will be brought in on an as needed basis and after the initial excavation, will be located in the pit bottom. An office is proposed, which will also have the scales. Initially, the office may be one of the existing houses on the property. The house would be replaced by a portable office trailer, after mining progressed into the area of the house.

All of this equipment will be kept on site, in the bottom of the pit after the initial phase of excavation. There also be a 5,000 gallon double walled fuel storage tank near the office. If a single walled fuel tank is used, it will be located in a bermed containment area that is lined.

Initially, it will be necessary to dewater the pit. This will be accomplished by installing a perimeter dewatering trenches. The trenches will lead to a sump. Water will pass through a gravel berm to filter out some of the sediment. Prior to discharge, the water will pass through a settling pond to remove additional sediment. The sediment pond will be located in a depression created by the original land owner as a stock watering pond. The water is expected to seep into the river due to porous nature of the native gravel. Water not seeping into the ground will be transported to the river via a rip-rap lined spillway. Initially, it will be necessary to pump the pit at a rate of 3,000 gallons per minute, with the rate reduced to 1,000 gallons per minute during the normal operation of the pit.

After the pit has been dewatered, the mining will be initiated. Top soil and overburden will be removed first and stored for use in berms and as backfill on the slopes of the pit in reclamation. The front end loaders noted previously will be used to mine the raw gravel. In the beginning the pit will have steep walls, but as the mining moves out to the perimeter of the pit, the walls will be sloped 3:1. The front end loaders will load directly to a primary crusher or to trucks which will transport the material to the crusher.

Access to the site is off of State Highway 6, with a crossing over the railroad between the highway and property boundary. The projected volume of traffic is projected to be 400 trips per day, with peak hour volumes of 25 vehicles.

Proposed hours of operation are 5:00 AM to 9:00 PM, six days per week with most sales taking place during the daylight hours. When the portable crushing plant is on site, it runs 14 hours per day, 6 days per week. They are proposing occasional nighttime and Sunday operations to provide for specific demands such as overnight paving work.

B. Site Description

The site is located on the north bank of the Colorado River, approximately one mile east of Rifle. Presently, each of the original property owner's homes are located on the property. Two of the properties have existing livestock operations that will be discontinued as the mining operations encroach on areas used for livestock. The majority of the property is open pasture land which is above the river bottom by about 10-12 feet. The bank adjacent to the river bottom land has

stands of larger cottonwood trees and riparian vegetation. A portion of the western most property is the recently reclaimed Chambers Pit, which is a pond that will provide wildlife habitat. Further west and to the south across the river are other existing gravel operations.

6. Zoning
   The subject property is zoned A/I. The type of uses requested falls under the definition of "Extraction, Processing and Storage of Natural Resources" which are contemplated as special uses in the A/I zone district.

The Applicant proposes to bring bottled drinking water and sanitary facilities on site for workers. The County has allowed the use bottled drinking water and portable sanitary facilities for similar operations. No portable sanitary facilities should be located in an area subject to flooding by the river. Given that the mining plan does not propose mining in the flood plain, this should not be an issue.

Michael Erion, Resource Engineering Inc., engineering consultant for the County notes that the proposed Substitute Water Supply Plan does not include any domestic water use for this project. If the applicant proposes to use anything other than the proposed bottled water or portable toilets, the Special Use Permit will have to be modified.

The application states that traffic to and from the facility will generate 400 trips per day, 25 trips during both the morning and afternoon peak hours. It should be noted that a trip is a one way trip, going in and out of the location is two (2) trips. Based on this calculation, the applicant's consultant has determined that no highway improvements will be necessary in an application to CDOT for a Highway Access permit. The consultants do note the need to maintain or put in new signs at the approaches to the railroad crossing, warning drivers of the close proximity of the railroad to the highway.

It was noted by the applicant that they have a concern about the site distance to the east at the intersection with the railroad. The trains are not visible for a period of time that would allow some of the longer haul trucks to cross the tracks safely given that the trains will be traveling at a higher rate of speed. CDOT has verbally noted that they will be requiring a letter from the railroad approving the use of the crossing for the proposed use and the railroad has indicated to the applicant that it will require a signalized crossing, including cross arms. The applicant has indicated that they expect it to take over a year to get the gates installed. As an alternative, the applicant's have received permission to develop an alternate access road through the Chambers Pit to the west on lands controlled entirely by United Companies. This alternate route has been shown on a revised map that is a part of this application and submitted to CDOT for their review. CDOT has indicated that they will accept this alternative based upon the fact that the proposed traffic will not increase the volume of traffic presently using that access point. Prior to the use of the original access, the applicant will have to get an approved access permit for an access permit from CDOT and submit a copy to the County Building & Planning Department. The Planning Commission also required that an easement across the affected properties for the alternate access and an updated CDOT Access Permit be presented to the County prior to the approval of the Special Use Permit.

The proposed use is located on property that includes existing gravel pits to the west and south, and another being proposed on the property directly east of applicant's property. To the north, the proposed gravel pit is separated from light industrial uses by State Highway 6 and the DRG&W railroad. Once the initial phase is over the only visible signs of the operation from any direction will be the truck traffic and the overburden used in some berms. No landscaping is being proposed, but screening the proposed gravel pit from the same or similar uses does not appear to be necessary. The application complies with this requirement.

As noted previously, the applicant is not proposing to use any water for domestic use, except bottled water brought on site for consumption by the employees. Water depletion will occur as a part of the mining operation and ultimately from evaporation from a proposed 17.52 acre surface area lake to be used for wildlife and recreation uses. A gravel well permit application and proposed water augmentation plan has been submitted with the application. Prior to any approval of a Special Use Permit, a copy of the court approve augmentation plan and a copy of the signed gravel pit well permit needs to be submitted to the County.

As noted previously, it will be necessary to dewater the pit. This will be accomplished by installing a perimeter dewatering trenches, which will lead to a sump. Prior to discharge, the water will pass through a settling pond to remove additional sediment. The water is expected to seep into the river due to porous nature of the native gravel. Water not seeping into the ground will be transported to the river via a rip-rap lined spillway. This discharge will require a NDPES permit from the Colorado Department of Public Health and Environment. The approved NDPES permit must be submitted to the County prior to the final approval of the Special Use Permit.

The City of Rifle reviewed the application for compliance with their Watershed District. A permit was approved on March 29, 2006 for the proposed operation, with a number of conditions.

The Application states that the proposed gravel pit will not generate vapor or dust due to the haul roads and active portions of the pit being water down. The emissions from the mobile equipment and processing plants are subject to Federal, State and County requirements and the applicant has stated that they will comply with those requirements. There will be no blasting on site, which would be the only obvious source of vibration from the site. Given the existing similar activities on adjoining properties, the impacts

from vapor, dust, smoke, noise, glare or vibration or other emanations to adjacent land should be a non-issue.

Regarding compatibility with wildlife, the Colorado Division of Wildlife notes that the riparian area along the Colorado River where this proposed mining will take place is extremely important, as it provides habitat for many wildlife species. The plan states that the proposed mining operation will not disturb the riparian area and a buffer area of 100 feet will be established along the river, which DOW notes that this zone should help alleviate some of the disturbance that will occur as a result of the mining activity. The plan refers to the creation of moderate sloping of the banks of the proposed ponds. DOW would prefer meandering shorelines with some shallow shelf areas to provide waterfowl and shorebirds with some additional feeding areas. Additionally, small islands in the ponds can offer nesting and resting areas for avian species. They noted concerns about the likelihood of the ponds supporting non-native fish populations that can adversely impact native fish populations and the need to control non-native species. Last, they would like to have the opportunity to work with the landowners to create a public fishing or hunting easement on the property when mining operations have concluded. In summary, the DOW did not find any reason to recommend denial of the application, just the desire to have some wildlife concerns addressed during operation and when it is reclaimed.

As noted previously, the proposed gravel pit will generate 400 trips per day onto State Highway 6. The access to the property is across railroad right-of-way and onto the State highway. This is the major impact to other areas of the County. There is no proof that the applicant has legal access for the proposed use across the railroad. As a modification to the application, the applicant submitted an amended Mine Plan (Exhibit C-2) showing a haul road through the property to an adjacent property to the west controlled by the applicant that has an existing access onto Highway 6. There is no proof that the railroad access at this point, but CDOT has verbally indicated that they have no problem with the alternate access, provided there is no increase in existing traffic impacts. The applicant is representing that there will be no increase in traffic at the existing access. Prior to the use of the originally proposed access point, proof of legal access across the railroad and an approved CDOT Access permit needs to be provided to the County. The Planning Commission also required that an easement across the affected properties for the alternate access and an updated CDOT Access Permit be presented to the County prior to the approval of the Special Use Permit.

The application states all operations at the facility will not involve any abutting property. The proposed slopes of any graded area will not be steeper than the angle that the material would settle in the event of failure. As a result, there should be no material migrating or falling onto adjoining properties.

Neighbors have expressed concern about the applicants request to the Planning Commission to allow for night time operations for special contracts from public agencies requiring night time work hours to minimize the impact on traffic in the jurisdiction. Even though these property owners are not directly adjacent to the proposed gravel pit, they have stated that they can hear the gravel pit operations across the river on the LaFarge Mamm Creek pit site. The biggest concern is the possibility of crushing activity during the night and the sound of back up beepers. The Planning Commission recommended approval of the request with limitations on the type of contracts that would justify night time activity and approval of the proposed activity by the Board on a case by case basis. Staff would suggest that at a minimum, no crushing activity will occur outside of the approved working hours.

The application includes a reclamation plan that proposes to leave the majority (18.66 ac.) of the property as a lake and pond and the remainder would be reclaimed as dry rangeland and wetland
The County Vegetation Manager provided comments stating that the proposed plan does not go into sufficient detail about weed control. Additionally, he noted that the lakes and ponds are a potential mosquito breeding ground, which needs to be addressed too. As a result, staff is requesting a Weed Management Plan with further information than what was provided in the permit. Including weed mapping and inventory: Specific locations of county listed noxious weeds are requested. A management plan for noxious weeds found outside the mining area should be submitted. Noxious weeds that are allowed to go to seed, are probably are the most significant source of spread in Garfield County. All county listed noxious weeds should be inventoried; this includes Russian olive and Tamarisk. The applicant shall present a timetable for the management if these two noxious weeds. Weed treatment application records shall be kept and on file and available upon request. Additionally, mosquito management plan be developed and submitted to the Garfield County Vegetation Manager for approval.

The Colorado Division of Minerals and Geology requires as a part of their approval, a bond to guarantee the reclamation of the site. A bond $26,180 has been proposed by the applicant. The applicant is proposing to use the National Resource Conservation Service personnel to assist in determining the ability of the reclaimed land to control erosion and to provide additional suggestions to enhance the reclamation of the property. Michael Erion recommends that the County be a named beneficiary of the reclamation bond placed with the DMG. It should be noted that the applicant has provided a copy of the State Division of Minerals and Geology rules and regulations for approval of mining operations and those regulations do not allow the County to be named as a beneficiary of the reclamation bond.

The application states that the mobile equipment and processing plants are governed strictly by various Federal and State agencies. They also note that the proposed site has existing gravel pit operations to the west and south. Staff would note that the property to the east is also proposed to be a gravel pit too. To the north is the railroad and State highway, which is bounded on the north by other commercial and light industrial uses. The noise impacts should not cause any violation of the Colorado Revised Statutes regarding noise. Should there be a complaint regarding noise, the applicant will be responsible for providing documentation demonstrating compliance with the State standards.

The application states that there will be no blasting within the pit, which would be the most likely source of vibration. No other vibration sources are identified, thus no anticipated off-site vibration.

All of the equipment used in the operation will comply with Federal, State, and County air quality regulations and standards. Copies of the approved Colorado Air Pollution Emission Permit will be submitted to the County each time a piece of equipment is moved onto the site, at least one week in advance of the move.

The application notes that with the exception of Phase 1, all portable processing plants will be located in the bottom of the pit, which will minimize most these impacts. Additionally, the pit is located in the middle of three existing or proposed gravel pits.

The size of the entire Special Use Permit boundary is approximately 77 acres; with just over 35 acres within the actual mine permit area. The Applicant states that the storage of flammable or explosive solids or gases on the property will be compliance with the appropriate codes. There is no listing of flammable or explosive solids or gases that will be stored. An SPCC plan is noted as being prepared, but not included in any of the documentation. A copy of the SPCC plan needs to be presented to the County for inclusion in the application file, prior to the issuance of the Special Use Permit.

All heavy equipment stored on site will be stored in the bottom of the pit, except during Phase 1. The site is separated from the State Highway by elevation and is not very visible, particularly with the existing vegetation. Given the location of the pit in relation to the Interstate, State Highway and other similar operations, screening or other types of visual buffers do not appear to be an issue. All loading of vehicles will occur on the property. Any 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.

The Applicant states that the facility is designed to protect groundwater and surface water resources. All storage areas will be constructed with impermeable materials and there is no anticipated potential water pollution hazards associated with this facility. If potential hazards are discovered, safeguards designed to comply with the regulations of the Environmental Protection Agency will be installed.

The Applicant states that the facility will not generate any adverse impact on water through depletion, pollution of surface runoff, stream flow or surface water. No sewage will be generated, no water supplies will be used and there will be no disposal of water.
Given the short life of this operation (less than 3 yrs.), staff does not see any purpose in an annual review. Should there be an issue that needs to be corrected, the County has the ability to bring the applicant in for a hearing to resolve the issues or revoke the permit.

STAFF RECOMMENDATION

The Planning Commission recommended that the Board **approve** the Special Use Permit for "Extraction, Processing and Material Handling of Natural Resources" for Oldcastle SW Group, LLC and Yvonne Chambers 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. Further a copy of the approved Colorado Air Pollution Emission Permit will be submitted to the County each time a piece of equipment is moved onto the site, at least one week in advance of the move.

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. The Applicant shall submit proof that a site reclamation security as required by the Colorado Department of Minerals and Geology to ensure proper reclamation / rehabilitation of the site.

5. The Applicant shall submit a SPCC plan to the Garfield County Sheriff's office, Emergency Preparedness Commander, prior to approval of the Special Use Permit.

6 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. Weed management should occur prior to soil disturbance.

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 they intend to monitor and manage this site for mosquitoes.

7. Prior to issuance of the Special Use Permit, the applicant shall provide copies of all local government permits and state and federal government agency permits required in order to undertake mining and processing operations. Failure to comply with all permit requirements will result in the revocation of a Special Use permit issued by the County.

8. Upon completion, a copy of the final decree for the approval of a Plan for Augmentation and the approved well permits pertinent to the project will be submitted to the Planning Department prior to the issuance of the Special Use Permit.

9. A maximum of 400 ADT will be permitted for the property. A trip being defined the one way movement of a vehicle onto or off of the site. A truck accessing the site to pick up material and then leaving would count as two (2) trips.

10. All activities within the gravel pit will operate in compliance with the CRS § 25-12-101, et.seq., noise standards. Should there be a complaint about excessive noise, it will be the responsibility of the applicant to provide documentation regarding the ambient noise levels and the noise levels of the activity causing the complaint, consistent with the State noise standards. Any such documentation will be presented to the Board of County Commissioners at a public hearing noticed in the form required by Section 9.03.04. The Board may amend the permit based upon the documentation submitted at the hearing to bring the activity into compliance with the State noise standards.

11. One sign, permitted in compliance with Section 5.07 of the Garfield County Zoning Resolution of 1978, as amended will be allowed on the property.

12. The gravel pit hours of operation will be 6:00 a.m. to 8:00 p.m., Monday through Saturday and 8:00 a.m. to 1:00 p.m. on Sundays from March through November. The operating hours during the December through February period will be 6:00 a.m. to 6:00 p.m. Monday through Saturday.

    Overnight operation of an asphalt batch plant for public agency projects requiring such activity, may be allowed subject to approval of the Board of County Commissioners in a public meeting at least two weeks in advance of any proposed night time activity. The applicant shall notify all adjacent property owners of such meeting by return-receipt mail at least 10 days prior to the meeting and present the receipts at the meeting.

13. All lighting shall be downcast and inwardly directed to minimize safety conflicts with highway traffic and with airplanes using the Garfield County Airport

14. Prior to issuance of the Special Use Permit, the applicant shall provide evidence and plans assuring that the storage of all flammable or explosive substances will comply with the National Fire Code and that no flammable or explosive materials will be stored within the area subject to flooding from a 100-year flood. All plans, studies or analyses submitted to satisfy these conditions must be acceptable to the Board of County Commissioners.

15. A list of all equipment and facilities will be provided to the County accompanied by evidence of title and other information required by law to allow proper registration and taxation of the equipment and facilities. The schedule of such property will be kept current at all times with changes reported to the County. Copies of the list(s) shall be provided to the Garfield County Clerk and Recorder and the Garfield County Assessor.

16. As noted by the Division of Wildlife the following will be conditions of approval:
    A The proposed mining operation will not disturb the riparian area and a buffer area of 100 feet to be established along the river.
    B. The reclamation plan be modified to create meandering shorelines with some shallow shelf areas to provide waterfowl and shorebirds with some additional feeding areas. Additionally, small islands in the ponds can offer nesting and resting areas for avian species.

C. The reclamation plan be modified, after consulting with DOW about the appropriate methods available to eliminate the likelihood of the ponds supporting non-native fish populations

17. Compliance with all terms and conditions of approval contained in any permit issued to the applicants, their successors or assigns, by any local government, state or federal agency, shall be deemed conditions of approval of the Special Use Permit. Any violation of the conditions of any other such permit shall be deemed a violation of the terms of approval of the Special Use Permit. The applicants, their successors or assigns, shall notify the Garfield County Commissioners of any notice of violation or violation regarding the subject mining and processing operations, equipment and associated permits issued by any local government or state or federal agency. The Board shall be notified within ten (10) calendar days of any violation or notice of possible violation.

18. The applicants must commence operations under the terms of the Special Use Permit within one (1) year of issuance of the Special Use Permit. The Special Use Permit will expire upon the determination by the Colorado Division of Minerals and Geology (DMG) pursuant to the provisions of the DMG permit(s) have been satisfied and that reclamation activities have been completed and the DMG Reclamation Bond released and further provided that any permanent ongoing mitigation activities are implemented.

19. Prior to the approval of the Board of County Commissioners, an easement providing access to State Highway 6 across the Rivers Edge LLC property to the benefit of the Oldcastle SW LLC and Yvonne Chambers. Additionally, verification from CDOT that the use of this access for this purpose is either within the existing access permit provisions or that a new CDOT Access Permit will be obtained.

Condition No. 12 which was originally dealing with gravel pit operations, the gravel pit operations hours be 6 a.m. to 8 p.m. Monday through Saturday, 8 a.m. to 1 p.m. on Sundays from March to November, the operating hours December through February period will be 6 a.m. to 6 p.m. Monday through Saturday, then added to that is overnight operation of an asphalt batch plant for public agency projects requiring such activity may be allowed subject to approval of the Board of County Commissioners in a public meeting at least two weeks in advance of any proposed nighttime activity. The applicant shall notify all adjacent property owners of such meeting by return receipt mail at least 10 days prior to the meeting and present the receipts at the particular meeting.
Mark did not read the rest of the Conditions into the record

Chairman Martin acknowledged there were nineteen (19) conditions of approval.

If there is a violation we have the capability to call the SUP before the Board.

Commissioner Houpt – in the project report it states that CDOT has no problem with the alternate access provided there's no increase in existing traffic impact but we are talking about 400 trips so how are they going to measure that.
Mark – they will have to provide documentation to CDOT to verify they will stay within that level.
Chairman Martin – they will have to do a traffic study.
Commissioner Houpt – in terms of a 6 months or annual review period, I agree this is a short time line, but what kind of time restraints then and follow up do we have on Reclamation?
Mark Bean – we'll receive notification from the Division of Minerals and Geology to release bond and verification that the reclamation has occurred according to plan. We would have the opportunity at that time to go in and actually have an expert to verify that reclamation consistent with what the Board approved.

Applicant:
Ben Miller - Traffic – the 400 one-way trips which is 200 loaded trucks, that's a permit maximum. If you look at the total prediction production of 300,000 tons and count how many trucks it takes to do that, you end up with more like 104 truck trips per day which is 50 loads of gravel per operating day as recommended by the operating hours. It's much less than that but the 400 truck trips allows for paving jobs where you have a lot of trucks coming through very quickly to satisfy a paving job on I-70 or even in town because of the rate of trucks heading out on those jobs in much higher than a normal day.
Nighttime Activity
Ben - In no way do we propose to crush at night time, the intent is only to satisfy very specific jobs and the frequency of those nighttime jobs is fairly limited.
Bill described the last on that came up and why they are asking for it. The prime reason for this is in order to stop traffic delays to like the City of Rifle, we paved over the bridge and through the By-Pass on Rifle during the evening hours primarily to alleviate traffic interruptions. Sometimes CDOT requires evening paving.
Chairman Martin – traffic study, does this also include all employee trips.
Ben – the traffic study has been completed for the newer access and the existing access has a permit which allows enough truck traffic for us to use that alternative truck access through the existing pit but the new pit we have completed a traffic study and it appears it will be required to add a turn lane possibly and also require drop down gates – the timelines involving drop down gates at best is 16 to 18 months and at worst it can be 2 years or more. Part of that has to do with the way the railroad reacts to requests also there are time issues of easements where you have CDOT property abutting a railroad piece of property and to add an

additional turn lane on CDOT Sometimes requires construction easements and quite a bit of legal activity between CDOT and the railroad.
Chairman Martin – suggested a major problem with the traffic study with the railroad because of the different interfering crossings and again they have a threshold which would then require a separate grade crossing on the railroad and they have a formula so I would say pay attention to that because if you trigger than it is a separate grade crossing by their request otherwise they won't allow you to cross.
Ben – we are in continually contact with the railroad over this crossing and everyone's aware of it and the safety would be a factor without drop down gates. If they switch to the crossing on site, the other traffic from the other site goes away – United is operating out this area so if there's no longer running trucks out of the one access that really is a shift down the road to the other access.
Commissioner McCown – given the lack time on the gated crossings and the relatively short duration of this operation, why not use the existing location and either move your raw product to where your existing crusher is or take the material out the other way – you have your scale house is in place, your operation is already set up where you're at.
Ben – that is an option that the railroad has brought up and again we're discussing the best option. There is a push to have a drop down gate somewhere due to the recent accident located in this area for a safer crossing.
Water handling
Ben said it was a solid representation by Mark Bean of what's going to happen. We do have a gravel well permit anticipated approval by the end of this week and he will submit it as soon as he receives it. Primarily those augmentation plans really off set the reclaimed use, the primary water use in a gravel pit isn't during the life of the pit, it's once you've let the water come back up, the evaporative loss is 2' to 3' over the surface of the water so you can imagine that's quite a bit of water. It comes up in the area of 50 acre feet of water that we will be augmenting for the site. We have no intent for using it for a potable water source. Bottled water will be brought on site.
Commissioner Houpt – about the potential of noise and vibration of the use, how committed are you to long hours and why?
Bill Bailey – they use two crews and run 6 days a week in order to utilize the equipment. 26 pits throughout Colorado. – 13 hours a day 6 days a week. The crusher comes on site for a specific job and normally comes in for a 30 day period, crushes and then leaves.
Ben – Lafarge operates in the same fashion and we are asking for similar hours. We're conforming to the neighbors and are not asking anymore than the other operations have.
Commissioner Houpt – this is not conducive to the neighborhood, noise travels and if there are residences up hill from the gravel pit that's where the noise is going to travel to and you're talking 12 hours a day, 6 days a week, that's a nuisance.
Ben – basically gravel extraction is an on-going operation in this stretch of the river since the 1960's. This land use has been longer than your zoning regulations in fact. The current gravel pit that United is in was grandfathered prior to the current zoning regulations – so there has been mining and initially there has been a pit right at the bridge which was a CDOT pit, then the next piece of property up is the Vanadium mill, the next piece of property is the gravel pit that opened in 1960. He argued it is the character of the neighborhood to have gravel pits in this area.
Commissioner Houpt continued to argue that as the County grows and we see residential areas growing and the cumulative impact of the industrial use, we need to always analysis and reassess these factors.
Chairman Martin asked if they can live by the noise standards for this kind of operation as set forth by the State of Colorado for this operation.
Response – absolutely.
Reclamation
Ben – reclamation of United is a higher character than the County is used to. Photos were submitted for a high quality when they are done. Lake with vegetation to replace the gravel pit.
Tamarisk and Russian Olive will be taken care of. Weed control on the top soil.
Public Input:
Nella Barker – 1973 CR 210 and lives within ½ mile from the pit – commented that she is pleased to hear about reclamation and the weed control from Ben because the distance of the proposed pit and their temporary exit is full of Russian Olive and Tamarisk. The temporary exit they are talking about while waiting for their signals, the accident that Ben had referred to earlier was a fatality. She is asking for and followed her letter that she submitted asking the Board to postpone any decision on gravel pits, not just this one but others in the future because I understand what you're dealing is each application as it comes along and when she saw the copy of the proposal with their diagram/map showing the Colorado River and gravel pits with the dots, she counted them and there are 60 and that does not include anything that's coming up that hasn't been applied for. When looking at the big picture we don't know what will happen in the future and in her letter she referred to New York Times on Sun Cook New Hampshire and they had those huge rains where some communities were flooded. Rivers changes course in flood areas. One thing they thought that the river changed direction was a gravel pit, if we allow more gravel pits and not do a study on how serious the holes along the river, what happens to the UMTRA sites.
Reclamation sites – nice to see more native plants – believes that all gravel pits postponed until a study is done – important enough to do this. Mark said no more comp plan until population hits 50,000. Since the demand is from the oil and gas can't they truck in the gravel – wait until there is approval from the railroad – once the land is disturbed, it can never be the same. Use the time it takes for the signals to do the study.
Commissioner McCown – what would you like studied?
Nella – like to see what the effect of a flood would do to the area with the number of gravel pits that are along the river, what are we looking at if we have a 50 or 100 year flood.
Commissioner McCown – would you incorporate in that study what the effect would be on the county with the total absence of gravel in the County? The availability of gravel in the County?

Nella – the majority of the gravel is going to the oil and gas industry and they will be gone in whatever and then what's will be left for the local people's uses? We could also look at how the gas industry could bring in the gravel from outside areas in the train loads that they are bringing in now.
Commissioner McCown – and you would exclude all other industries and just focus on the gas industry bring theirs in?
Nella – no
Commissioner McCown so every industry would have to import its gravel that would include building, highways, Garfield County with our roads.
Nella – no, I biased against the gas industry.
Commissioner McCown – so you would limit your restrictions to the gas industry importing their aggregate.
Nella – yes.
Commissioner Houpt – she does raise an interesting questions, I don't know what percentage of gravel the oil and gas industry is using in relation to other industries. What will happen when the gravel is not available?
Chairman Martin – The Dept. of Geology and also the Colorado School of Mines and we did a review of all the gravel and its ancient beds all the way through of Garfield County; then we put together all of the gravel producers and said how long will this gravel last. The export of gravel to Eagle and Pitkin almost rivals the amount used in Garfield County; they are the ones using our gravel as well and they're using it for their housing and roads so we're actually exporting almost as much as we're using. This study was done in the last 3 to 5 years. Increase in building, housing – CDOT paving – most in Garfield County with housing.
Commissioner McCown – part of the requirements in the gas industry and it's State and local governments have placed on them because most of their roads will intersect with a County road and unless they have an adequate amount of gravel on their roads as soon as they come out in a muddy condition they contaminate our county roads and then we have to use twice the gravel on our roads so we ask them to keep their access roads graveled. Garfield County has had an increased gravel budget on our roads.
Chairman Martin – the 50,000 number we're already passed and now 52,000.
Nella – the land along the river was historically agricultural.
Jennifer Ferman a member of the Rifle City Council and requested the same type of a study. She has seen the map of the gravel pits coming – north and south side – 70% of the land – as members of Garfield County we have a responsibility to protect our tourism corridor. She is a Rifle business owner and concerned that the character to the entrance to Rifle is a gravel pit could be several mines. Wildlife Corridor – in the existing gravel pits we have blocked off a portion of wildlife movement. Without doing a master plan, a disservice to the wildlife. Biggest effort is in reclamation
Exhibit P – Photos taken this morning along the shoreline along the I-70 Corridor. We need a master plan as a priority instead of an after thought. Character of the City of Rifle – a gravel pit.
Come together with Rifle and create a forum and a master plan to look at the River Corridor – use Reclamation as a fore thought and go back to the companies and look at their efforts and see what they have done in the past - look at United as to what they have already done. Research of gravel pits, policy – whose responsibility. The County could take a special interest due to the interest and work towards a more positive outlook. Hire reclamation specialists. Asking for proper reclamation standards. Money – could secure
Chairman Martin – The County has an EIA officer Jim Rada, Local Designee and Steve Anthony and his assistant.
This United mine is under the old standards and we need new standards. We need to monitor and make adjustments
Commissioner Houpt – agreed. She has looked at individual application but the County has not taken the time to determine quality gravel. We need to make sure we have a plan in place and not destroy the natural value in place. Jennifer is talking about a master plan before we extract gravel.
Chairman Martin – gravel is a mineral right – has to look at pulling it out – you have to extract the gravel before reclamation. A fine line and recommended to extract the gravels – argued with Bair Chase to use the gravel before – county doesn't own the gravel – otherwise it's a taking.
Jennifer – a happy medium – only do what they will do.
Commissioner McCown – is this the position of City Council; have they approved this position. Gravel pits require 25% open space. 50% of the property is left open and undistributed. Gets to a point of efficiency and you won't have to worry about selling real estate – it's a balance.
We relied on the DOW when we sent this out for referral and they will let you know when you are encroaching on their wildlife. There's an Eagle's next along the Yampah River.
Chairman Martin – man involved and we have an impact; we need to be careful that we do not over power mother nature.
Commissioner Houpt – not just the one particular impact but we need to do a master plan – the cumulative use on the river.
Others who testified included:
Lee Estes – Hwy 6 – letter and asked why are we having to provide Pitkin and Eagle with gravel.
Commissioners - Free enterprise
Commissioner McCown – most of the gravel is being held for houses – permitted for houses.
Lee – areas up there that don't have houses – Cattle Creek – don't see how the areas between Silt and Rifle can be expected. West of Rifle – a lot of gravel – knows the – Malcolm Jolley – 1200 acre with Rifle. Have them bring gravel in on a train.
Chairman Martin – people are selling and buying and we have no control.
Lee – huge land grab – Mr. Balcomb and Mr. Stevenson – their areas – need comp study – it's out of control. Added – North bank moved in a drilling rig in about 2 weeks ago – close to his house – cannot stand any more night time noise.

Paul Zimmerman – Whiteriver Avenue – stated his qualifications – CSU in 1988 Agriculatural Services – numerous projects – Montana – Utah, Colorado – project in Teton National Snake River Park – in 2002 – 2003 – major role with environmental quality. Success – won a governmental award – knows reclamation – expert at this – cares about what is going on – here today and not a lot of attention. Conservationist – gravel and conservation – compromised too much with the gravel. P & Z – Alan Lambert – heard it today again. All applicants – all considerations – Rifle to Silt – taken as a separate entity. The native bio zone doesn't exist along the corridor. Standards are not there to sustain – Alan said we need to do a comprehensive study – destruction is on-going and we're getting to a point of no return. Intense degradation – consults for several companies – here to tell you that the standards of Garfield County and the State of Colorado won't work Standards are poor. He was blown away at P & Z – Ben put up a photo of what it looks like – Garfield County standards – entire Colorado Corridor will fail. To say that DOW has signed off – they are only good at certain aspects. Proposing that we need a final plan to reclaim it. Until the BOCC and governing bodies understand reclamation – New Orleans – if people understood about wetlands they would not have had the problem they did.
To do:

1) Shelf every application until a comp plan is completed.
2) Advisory panel and hire a private plan to do a comp study on the area if these gravel pits – new standards.

Chairman Martin – citizens get to pay for it. Understands that and must stay within our guidelines.
Ben –he is a reclamation specialist – received awards – pointed out the pond photos – one of the pond photos was Rifle's and one was reclaimed by another. Ben showed photos of the reclamation in Grand Junction. 18 Road Reclamation – United Companies. Connected Lakes – United Companies - Grand Junction; Virginia Acres – Grand Junction – IIG – very old pit in the late 60's – full of fish and full of wildlife – these are examples of Untied Reclamation's sites.

At the Chambers pit, they are starting and will do a top notch job at Glen Pit. Plan is to have staged reclamation.
Paul Zimmerman – again – better representation. You need a 3 –1 grade lends itself to a narrow vegetative community. Likes to see a more gradual bench. Need within the lake is multiple benches in the lake – better than the Bailey Pit – outdated – establish a better habitat – can get technical and needs to be more works in the specs. Like to use at the permit before he addresses questions.

Commissioner McCown – does his application apply to all future use. 3 to 1 – is it addressing every application.
Paul Zimmerman - they want all the planning communities to be involved. In a community like this a less grade - this is serious acreage – Dr. David Cooper.
Ben – addressed the sloping standards – 3 to 1 – or less – exceeding the standards – 2 – 1 but they exceed the reclamation standards of the State – coming in as a gravel pit – balance taking out the resource.
Commissioner Houpt – likes to believe we are all good citizens and act responsibility and find the best solution.
Ben – not focused on money – reclaim the site to be of value.
Jan – two things to get into the record from the applicant. Easement Issue across the Rivers Edge, LLC. if Mr. Bailey could explain, who he is to Rivers Edge and how he understands what the easement will be or is and what written documentation we can get as to that access easement and then also there are portions of the property where the applicants do not own the mineral rights so we need to hear from the applicants how they are going to protect those minerals so that they are taken without having them owned.
Ben – severed mineral rights – for the entire United owned portion of the site the rights have been severed with the petroleum on one side and gravel tied with the surface still; the petroleum rights owners are Kenny and Flint Chambers, that gas deposits 7,000 to 10,000 feet below what we're doing and I doubt that removal of the gravel will cause any problems there. There is a triangle sliver there that caused some hiccups in the initial hearing planning in the very northeast corner, a very small piece. Due to some reason that the surface right and gravel right were sent over to Kenny Chambers and the appropriation of the gas right was reserved by the previous owner Ms. Yarvis Green. We do have a notice from her and she understands what's going on and it's been addressed.
Bill - Easement across the operation – This is Colorado River's edge not Rivers Edge at this point. United has a lease on the property as the operator of the active mine there now. The asphalt plant is setting on Colorado River's Edge property until we get the railroad crossing, everthing will come back through Colorado River's Edge property. There is a right of way easement out to the highway permit and there is a railroad crossing agreement coming out as long as the asphalt plant and all of the activity is happening on Colorado River's Edge property everything is very good as a property owner I can say that's it beneficial to everyone to work at this. At the point and time that the railroad crossing drop arms comes down, if every things moved, that goes away but it is an active permit right now. And the land lease.

Jan – more specific access easement, are you as the owner of Colorado River's Edge willing to give Old Castle the access easement to mining on another property and traveling through your property.
Applicant – yes.
Jan – and will we get a written acknowledgement of that.
Applicant – yes.
Mark – clarified the first point, you are not mining in the area where that you do not own the minerals rights of the gravel?
Applicant – correct.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.

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

A motion was made by Commissioner McCown and seconded by Commissioner to approve the gravel pit for a special use permit for the gravel extraction and material handling of natural resources for the applicant's Old Castle SWLLC and Yvonne Chambers with the 19 conditions proposed by the Planning Commission and staff and like to add a 20th Condition that a reclamation bond of a minimum of $1,000 per disturbed acre be added held by Garfield County to ensure reclamation of this facility in addition to what the State has, $2600.

Ben – check the State statute as I believe there is a clause in there which states no double bonding before you recommend it.

Commissioner McCown – we have required this before so I guess I would place this and if you guys want to challenge it, you can. The challenge would be before getting your Special Use Permit. We can require this up front, you can pay it and we'll give it back to you. It can be done in the form of a letter of credit, in the form of a check in a savings account.

Ben - if it's against state law to do it, if …

Commissioner McCown – we'll find some other way to get it.

Commissioner Houpt – other questions, would you be willing to concur there's concern about the noise of this industrial use and I think these are very long hours of operation and would you go 6 to 6?

Commissioner McCown – no, I would not entertain changing the hours, I think the State sound regulations are there and if this operation is violating those, I would certainly encourage enforcement but because of the method of scheduling on two shifts I would stick with the 6 to 8.

Commissioner Houpt – well the state regulations are for industrial areas not impact residential.

Commissioner McCown – no, the state regulations are the same whether they it's a gas well and the only time the regulations would go to the higher standards would be when they're in the construction process developing the pit, once they start to crush, then the sound at 25 foot from the property line would be the same as that for a gas well or compressor station. That's 55 decibels.

Commissioner Houpt – also like to add Condition #21 that would require them to work with a county advisory council working on an environmental comprehensive study for the Colorado River or for any corridor when we have gravel extraction in this County.

Chairman Martin – on conditions of this particular approval process?

Commissioner McCown – No not add this time.

Chairman Martin – if we're putting the reclamation standards down they're bound by those.

Commissioner Houpt – I'm not feeling as though are reclamation standards are where they should be and I think we need to analysis them, study the cumulative impact, look at how we need and how we really need to treat this river corridor and establish a more comprehensive approach to reclamation.

Chairman Martin – I can see where you're coming from but if we try to do that we'll be holding hostage someone that has applied and will be meeting those required standards that we have in place and actually above and beyond what we have in place but to tie them into future activities and future discussions and requirements may not fly.

Commissioner Houpt – they can join the advisory council if they want.

Commissioner McCown - would you imagine that a panel would be convened and it is concerning the gravel operations to Garfield County and the operators not being there? Or not being invited to be there at that panel? You're trying to make it mandatory on this approval.

Commissioner Houpt – I don't understand your point because I just said they could be part of that council.

Commissioner McCown – yeah but I would think that they will be there voluntarily if you're messing with their livelihood.

Commissioner Houpt – who's messing with their livelihood?

Commissioner McCown – I would not support adding that as a condition.

Mark Bean – suggested one thing I noted that I did not add in this Condition No. 12, should you approve a nighttime operation, and no gravel crushing would be allowed.

Chairman Martin – that was discussed.

Commissioner McCown – that was testified to. I think number one covers that because it was testimony of the applicant that it would only be paving operations that would occur at night and not any crushing.

Chairman Martin – and the testimony given and taken by the applicant is definitely a part of the approval process.

Commissioner McCown – Condition No. 1.

Chairman Martin – just so we don't catch you by surprise, what you have agreed to.

Mark – the conditions we're talking about would only apply to this application.

Ben – the asphalt operation.

Mark Bean – we don't know what requirements or requests will come out of another applicant.

Commissioner McCown – the public hearing is closed; for point of clarification, this application allows a gravel extraction, a concrete plant and an asphalt plant so at some point in time the asphalt plant and the concrete batch plan can move to this location

Chairman Martin – with the hours of operations set down here if so approved.

Commissioner McCown – 6 to 8.

Commissioner Houpt – 6 – 8 Monday through Saturday and 8 to 1 on Sundays.

Chairman Martin seconded for discussion.

Commissioner Houpt – need to recognize the impact on on-going industrial use – hours of operation too long – also don't doubt that you have a good reclamation in place – envisions the county moving forward with better standards. Master plan and timing after this application is completed.

Chairman Martin – I do recognize that the standards have been set and you need to live up to those and if history and the future shows that we need to increase those, I agree that we must go ahead and sit down and make better standards. Because as we grow, we find there are other sciences that need to be experienced and put into place. As far as the master plan goes, this is different than this conservation. That conservations needs to take place and we also need to have the industry there, they are the ones

that requested and we responded in reference to mapping and making sure that all gravel areas were identified. We have an application and the applicant needs to follow those.

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

Commissioner Houpt made a motion as a continuation of the gravel pit discussion that we immediate convene a work session with municipalities, property owners and the industry and others interested in sitting down with us to create a steering committee to look very closely and comprehensively at river reclamation.

Chairman Martin – with our workshop on Wednesday, the 14th of June 6 p.m. at the Rifle City Hall, I will definitely bring that up and say let us talk about it and let's see where we're going.

Commissioner Houpt – let's schedule a time to meet at that meeting because I won't be at that meeting unfortunately.

Chairman Martin acknowledged that he will start the conservation.

PUBLIC HEARING; BUILDING AND PLANNING: OXY USA WTP LP – CAMPER PARK – CONSIDER AN APPLICATION FOR A ZONE DISTRICT TEXT AMENDMENT FOR THE PURPOSE OF PROVIDING TEMPORARY QUARTERS TO EMPLOYEES AND CONTRACTORS OF THE ENERGY EXTRACTION INDUSTIRES AS A SUP TO SECTIONS 3.10.03 AND 3.10.04 OF THE GARFIELD COUNTY ZONING RESOLUTION OF 1978 AS AMENDED – MARK BEAN

Jan Shute, Mark Bean, Doug Dennison and Scott Campbell, Attorney were present.

Jan reviewed the noticing requirements for the public hearing and determined they published notice in the area –Grand Junction Sentinel and the Glenwood Post. Notice is in order

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 – OXY Application for a text amendment; and Exhibit F – Letter from the Town of DeBeque dated 5-24-06.

Chairman Martin entered Exhibits A – F into the record.

Mark stated this is to add the term "camper park for the purpose of providing temporary quarters to employees and contractors of the energy extraction industries" as a Special Use to Sections 3.10.01, 3.10.03 and 3.10.04 of the Garfield County Zoning Resolution of 1978, as amended

Proposed Amendment:

The applicant is proposing to amend Sections 3.10.01, 3.10.03 and 3.10.04 to add "camper park for the purpose of providing temporary quarters to employees and contractors of the energy extraction industries" as a Special Use in all of the Resource Lands zone districts in which a camper park is not presently allowed. Presently, the applicant has drilling operations on their property in an area zoned Resource Lands/ Plateau. Because the area is so remote, non-essential drill rig workers have to travel 90 minutes from the paved roads and then additional time to their houses on a daily basis. The applicant would like to propose small man-camps with camper vehicles to house the workers during their shifts on the rig, but the existing regulations do not have provisions for that type of housing.

A. Zoning: The existing zoning resolution language defines a camper park as follows:
2.02.11 Camper Park: Any lot which has been designed, improved or used for the parking of two (2) or more camper vehicles and/or tent campers for human habitation.
2.02.12 Camper Space: A plot of ground within a camper park designed for accommodation of one (1) camper vehicle or tent.
2.02.13 Camper Vehicle or Trailer: Any vehicle or portable structure designed to be transported on, or towed behind, a vehicle and designed to permit temporary occupancy as living quarters; it shall be considered self-contained if it includes a toilet and a bath or shower.
A camper park is allowed in the Resource Lands/ Lower Valley Floor zone district as a Special Use, which requires an application to meet the standards contained in Section 5.02 of the Zoning Resolution. Camper parks are not presently allowed in the other sections of the R/L zone district. "Camper Park for the purpose of providing temporary quarters to employees and contractors of the energy extraction industries" will be reviewed using the same standards as a regular camper park, except they will be restricted to use only by employees and contractors of the energy extraction industries.

B. Agency Comments: The Town of De Beque submitted a letter expressing concern about the impacts of a "Camper Park for the purpose of providing temporary quarters to employees and contractors of the energy extraction industries" to the proposed zone districts. While staff understands the concerns expressed in the letter, those concerns are more appropriately dealt with in the actual site specific application being made for such facilities on their property. The proposed text amendment will not just affect the applicant's property, it will allow any company or person having land zoned R/L (Plateau, Escarpment and Lower Valley Floor) to make application for this type of Camper Park. Staff will address the site specific issues as a part of the Special Use permit application review.

C. Staff Comments: Until recently, the County was unaware of the practice of allowing energy industry workers to bring RV's and other types of sleeping accommodations to a drill site. This is a violation of the County's Zoning Resolution and a number of companies have been notified of the violation. As a result, County staff has met with energy company representatives to discuss possible solutions to this issue. It was agreed

that there are certain essential personal such as the rig foreman, geologists and other similar personnel are exempt from the County zoning requirements and are covered under the Colorado Oil and Gas Conservation Commission (COGCC) drilling permit as essential personnel. All other non-essential personnel are not considered to be exempt from the County's zoning requirements that require a land owner to obtain some kind of land use permit for residential uses on the property.

The energy industry is drilling in remote areas in the west end of the County that require employees to drive an hour and a half or more one way, to get to a drill site in good weather. After working a long shift, the drive can be very dangerous due to weather caused road conditions, winding roads and exhaustion from the shift. Having the ability to sleep on site will improve the workers safety, both on and off the drill site. The proposed amendment is a solution to the needs of the companies that do seasonal work and are not proposing a permanent site to house employees. A camper park occupant is limited to a maximum of 120 days per year in any one camper park or combination of camper parks in the County. It will be necessary to come up with a better solution to deal with companies that want to create longer term "man camps" for their non-essential personnel. **RECOMMENDATION**

The Planning Commission recommended APPROVAL of the amendment of Sections 3.10.01, 3.10.03 and 3.10.04 to add "Camper Park for the purpose of providing temporary quarters to employees and contractors of the energy extraction industries" as a Special Use

Camper Park that some people are calling a Man Camp.

Commissioner McCown – On it's face and the statement about a camper park occupant is limited to a maximum of 120 days a year in any one camper park or a combination camper park site on its face will it eliminate the need why we're doing this – they could only utilize it 120 days a year.

Mark – it was an issue that we looked at it and didn't look at that particular provision. In the next 120 days plus we need to look at a way to revise this.

Commissioner McCown – while making this zone text amendment why can't we eliminate that 120 day portion.

Mark – it wasn't advertised.

Commissioner McCown – a zone text amendment to allow a camper park.

Mark – we're not changing Section 5.02 that's where that is.

Commissioner McCown – have to renotice and come back in 120 days. If we do this that's fine otherwise there's no need to do this. It could also be unenforceable.

Commissioner Houpt also we have Resource Lands zoned and not just in remote areas and what is envisioned looking like for Garfield County.

Mark – other companies are interested and the Board could deny.

This is how to deal with safety issues these camper parks are very small.

Doug – not the intention to provide a permanent home – predicated on safety and provides a place for their employees. Language consistent in the three sections – commercial operation.

Commissioner McCown – key element – clearly behind a locked gate – we are not permitting a camper park per se – man camps.

Davis Farrar –Silt Administrator – DeBeque is 2 miles south of the County boundary – Mesa is Resource Lands mostly – have a clustered jurisdictionally issue. DeBeque would be the one called to respond – also a fire district but no funds – going back in November to remedy this situation. Not sure if they are in the fire district – DeBeque – 400 people and smaller budget – we should have an IGA with GARCO with 1st response for that service – not just a shared service agreement – compensation for their officers. Issue of DeBeque is not in this application. Argues if you are going to amend your text, it's not too early to negotiate – July 10th and work this out.

Other topic – whether it makes sense to fit the particular situation. Suggested not that time extensive – length of stay, who directed to and focused on the particular issue – recognize the oil companies are – take a month and address these concerns.

To eliminate the 120 day stay in a camper park – current camper parks are year round.

Mark gets reports every 6 months.

Davis – suggested to take language for one use and use it for other uses.

This does make sense.

DeBeque had zero employees in the gas industry.

Davis will work with GARCO and want to get this addressed.

Responding area - Sheriff may be the responder in an emergency situation.

Completion of the new access off of 214 – we would be closer.

To delay this – more code violations.

Commissioner McCown this is the first step for a use to come into compliance. Within 120 days update. It's an unregulated entity. This is better than nothing.

Mark – this is a band aid to get to a better solution with a code rewrite.

Commissioner Houpt – recognize camper parks in a remote use it adds another dynamic to the fire plan. Can't leave the County Sheriff out or the other communities.

Davis – start with a document and work with everyone that's a responding agency.

Find a date and work together - Town of Parachute and City of Rifle and all the other stakeholders.

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 amendment to add the camper park for the purpose of providing temporary quarters to employees and contractors of the extraction industry as a special use permit to Sections 3.1.03; 3.1.04; the Garfield County Resolution as amended.

In favor: Houpt – aye; Martin – aye; McCown - aye
Executive Session – URS proposal – information
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.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

JUNE 12, 2006
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 12, 2006 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
Charles F. Orr, Clem Kopf, Dean Gordon and Nick Massaro were present.
Bicycles and the size of gravel on the shoulders Clem Kopf said there was no criticism of the Road and Bridge that it was a gravel specification issue. Bobby Branham suggested they come talk to the Board. This involves bicyclist and chip and seal 1 mile of 4 Mile Road – road rough – riding the road is unpleasant – dangerous – smaller chips being requested. Bicyclists use this road a lot and it's very valuable to them to do so. County Roads are multiple use road and when you put down large chips you exclude bicyclists. 3/8's chips were used before and last year's gravel is washboard. Request is to change the size of chips and not ruin the rest of the road.

Nick Massaro added that a few years ago, Battlement Parkway was done with the larger chips – been dissatisfied with that – Clem mentioned bicyclists but people walk up there and you couldn't walk for fear of being hit by a rock plus windshields were broken.
Commissioner Houpt – runs on that road and there were some specific reasons including wear and tear and better traction. For better all around use it isn't a good thing. We need to keep in mind the multiple use of the roads in this County.
Commissioner McCown – 3/8 and ¾ - doubling the life of the road using the ¾'s. Funds and shortage of oil we would have roads under attended.
Commissioner Houpt – these folks are requesting we look at this and she would like to see some kind of a report on how long the life of the 3/8 compared to ¾ and good arguments.
Dean Gordon in support of Clem – not every county road fits this criteria. Two reasons – stronger and seal coat. It makes it twice as strong using the ¾ but for chip seal is 3/8. Look at a fog seal and increase the cost of the surface. This is a public relation effort and keeps the calls
down.
Commissioner McCown would support the fog seal. As Commissioners we are obligated to spend the taxpayer's money the best way possible. Chip seal is a band aid for asphalt. Have looked at ¾ chips and then come back with 3/8's – we're facing a crisis.
Commissioner Houpt – time to make a decision on the 3/8's and recognize the roads are multiple use and Four Mile is highly used.
Chairman Martin – same with Battlement Mesa.
Nick claims that the road has been ruined by putting the ¾'s gravel on the road. He disagrees that this is the first responsibility of road maintenance.
Commissioner Houpt – agrees with Nick that roads have evolved into multi-use.
Commissioner McCown suggested that we look at the evaluation.
Chairman Martin – we'll sit and look at these roads.
Ed – fog sealing ¾ would be better?
Dean – better. Ideally is to put the ¾ and 3/8 at the same time.
Clem – one more comment – a danger eliminate – people could get hurt especially going downhill on the gravel.
Chairman Martin – agrees that the Battlement Mesa road needs to be worked on.
Charlie – rocks fly.
Chairman Martin – promised a debate.
Commissioner Houpt – put on the agenda.
Ed – look at fog seal
Chairman Martin – the specifications have already gone out on the rock size and we cannot change those; specs are bid annually and this one has already been awarded – awarded in March.
Bobby Brannan – to alleviate – no chip and seal scheduled for this year. Planned to chip seal another mile for next year.

Sheriff - Update on courthouse security

Lou reported that he is shooting for today to make that happen however, the fire alarm system is not working. Will notify everyone and a press release – all County ID's up to date. There is a special needs issue and Guy and Lou are working with community corrections folks. 95% completed. Keep the building safe from unknowns, not the citizens of Garfield County.

Fire Ban

Press release on Friday – open burning ban in place based on the International Fire Ban. Collectively it is so bad around the County that no one will issue a permit – grills okay but it really is all that Fire Chiefs and Sheriff will allow – they will not issue burn permits.

Commissioner Houpt – is this an open ended fire ban?

Lou - Yes. Can vary by fire district – the last two years everyone has been doing the same thing.

Inside the fire district you can call them; outside the fire district – call the Sheriff. Does not cover the Forest Service/BLM.

COUNTY MANAGER UPDATE – ED GREEN

- ***County Road 108 – Bridge Closure – Randy Withee***

Randy reported that a pre-construction meeting was held on June 5, 2006 and the work activities consist of the following – remove and replace bridge deck, remove and replace bridge rails, remove and replace sidewalk. The start date is July 10 and finish date is August 15, 2006. The request of the Board is to close the bridge to traffic during this time frame.

Don – no Resolution will be needed, the Road and Bridge Director has the authority to close the road for 90 days.

- ***Community Corrections Center/Design Build Award – Randy Withee***

Randy Withee, Guy Meyer, Dale Hancock, Tim Arnett, Ken Reck, and Nick Lacy were present.

Randy submitted the background saying that on May 22, 2006 the Baord authorized staff to pursue scope and cost negotiations with Oakview/Archetype. A meeting and discussion was held over the last few weeks resulting in one generation of the floor plan from the original proposal resulting in an increase in square footage to 10,000 and an increase in the male side of the facility to 52 male beds and 10 female beds. All meets the Colorado Community Corrections standards. The floor layout was changed to relocate the kitchen, laundry, and storage area and eliminate cupolas and reduce the amount of parking spaces. The initial proposal budget amount was $1,435,000 and with the adjustments it was $25,000 less, now for a total of $1,410,000. The budget was for $1,500,000 for two projects – there is a surplus of $55,000.

Items for discussion include professional liability insurance and water and sewer tap fees.

Recommendation: Staff recommends the Board of County Commissioners award the design/build of the community correction center to Oakview/Archetype for the amount of $1,410,000.00.

Copies of a 3-D model were submitted. The plans were reviewed.

Using a green roof to match the other buildings in the area and could save money by going to a lighter roof but it would look like a warehouse.

McCown – building easy to expand on and was this a consideration.

Rick – it is easy to do and could expand but it would be critical to locate on the property and they could build it on there. Plan to be a free standing add-on.

Nick – in the negotiation they discussed swamping the kitchen and laundry and it could grow into a full operational kitchen.

Ed – the next logical facility would be a drug/alcohol campus.

Martin – this goes along with the direction of community corrections.

$1.9 for both projects – the Child Advocacy and the Community Correction Center.

Don asked if there were any pending claims from the source of insurance.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the design build for the Community Corrections for a not to exceed amount of $1,435,000.

Ed asked the Board if they want to authorize a budget supplementary for this project. This would be a $410,000 supplemental.

Authorize the Chair to sign.

Houpt – aye; Martin – aye; McCown - aye

Professional liability insurance – Amendment –

Some repairs to the Detention Center – Lou stated they are still looking at how to use that space.

Issue – IGA for Emergency Management Coordinator

Lou – great idea to jump start the program, in-kind with public safety council. Met with Fire Chiefs.

Ed needs to get this going.

Lou says this is strong enough to be held together without an IGA.

Ed – initially for those other entities to generate commitment.

Lou – a lot of players come to the table and a good commitment from all of the players. $4,000 from each entity.

Commissioner Houpt – having an IGA tends to hold organizations together.

Lou – a recognized public safety council and feels they are good to go.

Ed – one of the entities approached Patsy about where to pay the $4,000 if we want to proceed.

Lou – it has moved beyond that.

Renewing the contract is Lou's problem.

Patsy – the IGA says the BOCC is responsibility for the financial.

Chairman Martin – we've accomplished what we wanted. Put this on the agenda – renewal date as of the 1st of July. Schedule on June 19, 2006.

This is a $38,000 position. Discounting the IGA will role this into the County budget.

Lou said it is very participatory and a lot of in-kind.

Commissioner McCown – no problem doing away with the IGA.

Consent Agenda – if it needs to be pulled off we can.
Action being requested – eliminate renewal of the IGA.
Don said it will just go away.
Would require a budget supplemental?
Some municipalities are not aware that this is taking place.
Lou – email out to the entities and discuss this on June 19.
Consideration of non-renewal of the IGA; put on the Consent Agenda

- ***Accounting – Reclassification of position from part-time to full time – Pasty Hernandez***

Patsy reminded the Board that on April 3, 2006 they approved a part-time position to the Controller, Accounting II position in the Finance Department. The labor market in this valley is not interested in applying for a part-time position. The request today is to make that into a FTE.
Commisisoner Houpt so moved; Commisisoner McCown – seconded.
Houpt – aye; Martin – aye; McCown - aye

COUNTY ATTORNEY UPDATE – DON DEFORD
Executive Session: Litigation Update; Legal Advice - Personnel Policy guidance; legal advice – status of Roads owned by Silt; closure of EnCana Public Project, Phase II Study; discuss personnel matter Human Services and Lou – potential claims involving the jail; litigation from Board of Adjustment. Structure of Sweetwater.
Staff needed for the various items include: Mark, Denise, Lou, and Tim Vincent.
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 – GVC – Tuesday evening; meeting with Leslie Rocky and Strawberry Days this weekend in Glenwood Spgs.
Commissioner McCown – this Wednesday, meeting with City Council at Rifle 6 pm to 7 pm; Thursday – 11:00 am City of Glenwood Springs and will be at the Northwest Oil and Gas Forum the same day from 10 until 2.
Chairman Martin – Rodeo in Glenwood Springs on Friday and Saturday. Last week met with the Library Board on Friday and discussed their items and hopefully they have discussed this with other folks – we still have a difference of opinion in what we should or should not do in reference to support or not supporting a tax; a workshop in BLM in Grand Junction also with Mesa County, Grand Junction, Palisade and surrounding folks in reference to their watershed and BLM process. Human Services Commission met in El Jebel on Tuesday the 6th from 9 – 12 and was scheduled for a deposition but that was continued with Don's absence. Community Corrections Board on Thursday the 8th, very good attendance and still encourage the other Commissioners to visit that and see how they are functioning. We need more participation from the municipalities – they still have not decided to join in on a regular basis. Bobby Johnson presented another project called the Heavy Equipment Operators process where they take folks that are getting ready to come out and training them to be heavy equipment operators and zero tolerance on everything from behavior to absence; they have had 10% recidivism versus the 68% recidivism in the State prison system. Bobby needs a pat on the back. This is a unique program because the inmates are allowed to drive and use their own vehicles and prepare for the future.
This has been going on for several years and it's been extremely successful. That return of 10% is from its inception since 1996. It's unbelievable success and hopefully it's a safe program for everyone to accept.
Commissioner McCown – actually that is being considered as a possibility for ourselves at the landfill. They are going out for RFP's to see what the practically of subcontracting it out and then looking at the possibility of leasing equipment and utilizing that program as providing operators.

CONSENT AGENDA
a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Airport – Release and Hold Harmless Agreement for Brian Condie and Mike Ballard to participate in DIA ARFF Training – Brain Condie
f. Monument Ridge Subdivision – Authorize the Chair to sign the Acknowledgement of Satisfaction of the Subdivision Improvements – Fred Jarman
g. Martin, Marl L. and Patricia L – Extension to file an Exemption Plat – July 18, 2007.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a – g removing b and c; carried.

Executive Session – Contract Negotiation – Scheduling of the Fairground Events for 2007
Commissioner McCown so moved to go into executive session and discuss the contract negotiations. Commissioner Houpt seconded. Motion carried.
Commissioner McCown moved to come out of executive session; Commissioner Houpt seconded; motion carried.

PUBLIC COMMENTS NOT ON THE AGENDA
Nancy Limbach – commenting on the gravel pit that is going to be going in just down the road from us – the Grand River one to be reviewed this afternoon.
Chairman Maritn – that's an agended item so then we take comments at that time.

REGULAR AGENDA
PUBLIC MEETING:
TRAILS – JOINT TRAILS PRESENTATION – RANDY RUSSELL
Randy Russell, Dale Will, Larry Dragon, Mike Hermes and Janet Aluise will be at the meeting to give very short briefings on problems and progress.
Randy Russell submitted a memo to the Board stating that the Trail Planners have met twice of the past couple of months to work out their request for 2007 County Funding. While there was no formal cap on the request, the group agreed in theory to try to work within the historic funding constraints that the County has been able to offer in the past, roughly $135,000 in aggregate from Conservation Trust Funds.
At the time of the memo, RFTA would like to request $40,000 for 2007. LoVa would like to continue its $50,000 yearly match and $35,000 administrative assistance grants. The Crystal Trail did not receive its state funding, but would like to carry over the deal that was made this year for a contingent match of $50,000 (perhaps done in $10,000 increments.) The Coal Ridge Trail is not able to use match money this next year but would like to be considered potentially in 2008 for the segment that would run from the high school east to New Castle.
The left over CDOT Enhancement funding ($27,000 Garfield County Share) will be added to the LoVa South Canyon project.
Janet Aluise – give money to the Board – fortunately for the Town of Silt they negotiated for the trail to get to the Coal Ridge High School on the Silt side. The $5,000 grant match was returned as they were not funded by the Trails grant.
Mike Hermes with RFTA - $200,000 trail for their trail and the $50,000 contributed by Garfield County helped. Construction from Catherine Store will begin this week. For next year RFTA would like to require $40,000.
Dale Will – Pitkin County Open Space and Trails, status of the Crystal Trails was the runner up but we were not funded. CDOT program was not in hand and there is a tentative approval. The Garfield County section and engineering for the construction of the bridge over the Crystal River. This year Dale will be completing the CDOT and the funds earmarked he would like to request $15,000 to complete the CDOT permit and in 2007 requested that the arrangement reached last fall be carried over, $50,000 to a successful state grant and GARCO would fund that with funds as needed from the Conservation Trust. Nice news, gift of $50,000 earmarked toward listen to 10.47-35 who donated the money.
Larry Dragon – LoVa Trails – originally agreed to $50,000, $50,000 and $50,000 and $35,000 out of general fund carried over in conservation trusts.
Larry Dragon - Three thins for clarification – 1) $27,000 for enhancement funds and agreed that should go to South Canyon in 2006.
2) Modification for 2006, $5,000 of Coal Ridge and $35,000 for 06 that Crystal River was requesting. Like to see that continued in the South Canyon adding another $40,000 for LoVA.
3) 2007 – similar split of $50,000 for the three entities.
Chairman Martin – like to see some seed money in reserve. The average is $145,000.
Houpt – it depends on what kind of matches need to go in and there will be some discussion in the budget.
Coal Ridge - $5,000
Crystal River Trail - $35,000
LoVa - $50,000
RFTA - $50,000
Crystal River - $15,000
This would be another $67,000 to LoVa for the South Canyon Trail.

Larry Dragon – spoken with GOCO and the numbers showing the construction costs higher, no more money given, and they indicated they could go back to GOCO and want the trail completed and recognized the inflated costs and will work with them on amended the project as long as they identify ways to complete all construction projects in the future.
They need to look at the options – a possible cul-de-sac or a foot path along the rest of the way. Larry is hoping to find a way to get this all the way.
Patsy submitted a report on the conservation funds.
Dave Will – both working for entities that are self-funded and admire Larry's efforts on his project.

PUBLIC HEARINGS:
ACCOUNTING – DISCUSSION OF THE 4TH SUPPLEMENTAL TO THE 2006 APPROVED BUDGET AND THE 4TH AMENDED APPROPRIATE OF FUNDS – PATSY HERNANDEZ
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.
Patsy explained the exhibits A and B 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 McCown and seconded by Commissioner Houptto approve the 1st supplemental to the 2006 approved budget and the 1st amended appropriation
Houpt – aye; Martin – aye; McCown - aye

ABATEMENTS:
Shannon Hurst presented.
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.

Umetco Minerals Corporation

Schedule – Parcel No. 2175-134-00-016
Hoskin, Farina & Kampf, PC.
Umetco said this property did not belong to them. Shannon talked to Don and would like to deny this. They have paid all the property taxes which were proper and paid on the part of Bill Klough to get the taxes sorted out. She recommended denial. The lawyers presented this and Shannon informed them of her recommendation. This has been since 1977 and Umetco has paid the taxes ever since. The owner was incorrect and you can't rebate on an incorrect owner.

TPI Petroleum Inc. Lessee
Schedules P3103652, P310652; R311677 and R311811
John Aranda, Ad Valorem Tax Department
This is a combination of personal property and denial of P3103652 – incorrect and incomplete. Confusion of what they are requesting. There was an appraisal and the date is 2-14-2006 and it was to evaluate 2005. This is the corner store next to Arby's – in 2004 this was demolished and rebuilt. The appraisal report used incorrect reporting of property.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to deny all abatements P3103652;
Houpt – aye; Martin – aye; McCown - aye

Abatement: 5445 Road 154, LLC.
Schedule R111489
Shannon explained the owner protested and recommended abating taxes in the amount $4,262.73.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the abatement of taxes for 5445 Road 154, LLC on Schedule R111489 in the amount of $4,262.73.
Houpt – aye; Martin – aye; McCown - aye

Abatement: DODO
Schedule R361918
Commissioner McCown made a motion to grant the abatement in the amount of $2630.27. Commissioner Houpt seconded.
In favor: Houpt – aye; Martin – aye; McCown - aye

LIQUOR LICENSE – TRAPPER LAKE LODGE CONTINUED FROM MAY 15, 2006.
Mildred Alsdorf submitted the license.
Previously we didn't have the owners present and they were unable to get into the lodge because the roads were not open.
Mildred stated the publication was in order and the application is for a 3.2% beer and a Hotel and Restaurant License.
Holly Ann King is opening the resort under Sassy Sisters, LLC.
Holly explained the additional policing will be enforced. There is a restaurant and a lodge and a store to serve the campers. Dinner is served until 8:30 and close at 9:00. Liquor will be stored in a locked area.
Mildred asked that the premises be inspected prior to issuances of these two liquor licenses.
Carole Steele and Holly King will be the owners.
Commissioner McCown moved to close the public hearing; Commissioner Houpt seconded; motion carried.
Commissioner McCown made a motion that we approve the 3.2 off premises license contingent on the facility inspection for Trapper Lake Lodge. Commissioner Houpt seconded.
In favor: Houpt – aye; Martin – aye; McCown - aye

Commissioner McCown made a motion to approve the Hotel & Restaurant liquor license under these same premises. Commissioner Houpt seconded;
In favor: Houpt – aye; Martin – aye; McCown - aye

Citizens not on the Agenda
Sweetwater – Janet Rivera – Drainage 270 Sweetwater Road – neighbor negatively impacted her property. Lived there 19 years. The uphill property – Kevin Story – cleared and built greenhouses, moved boulders and bushes, Bill Rogers – didn't like the gully and complained to the County. Kevin Story tried to divert the drainage. Small cloud burst – mud came under a culvert under the road. They have four acres and asked that Mr. Story work with the County to fix the drainage problem. Like to see the County put things back to the original drainage. Suggested some remedies and would like this done very quickly.

PUBLIC MEETINGS:
BUILDING AND PLANNING:
SPRING VALLEY RANCH PUD – CONSIDER A REQUEST FOR A ONE-YEAR EXTENSION TO FILE THE FINAL PLAT FOR SPRING VALLEY HOLDINGS, LLC – FRED JARMAN
Fred submitted the request is to have a one-year extension until November 7, 2007. Staff recommends approval of the request. The letter explains where the client is with the progress
Road improvements are part of this and Commissioner Houpt asked about this being a delay with the project.
Jake Mall, Road and Bridge – the improvements are quite a ways out and nothing has been submitted to the department for comments.
Jim Lockhead, Attorney, stated there has been a change of ownerships and the new owners are planning to submit a PUD and Preliminary within the next month. This will address the road issues.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to grant a one-year extension until November 7, 2007.
In favor: Houpt – aye; Martin – aye; McCown - aye

GRAND RIVER PARK ANNEXATION – SILT, COLROADO – DISCUSS THE IMPACT REPORT – RICHARD WHEELER

Bill Roberts representing Scott Grosscup and Tim Thulson were present.

Richard submitted the annexation impact report for Grand River Park stating this annexation is directly west of the "Stillwater Development" and north of the CR 346. A gravel pit is proposed on the 181.619-acre property.

Due to the possible impacts on this annexation, staff requested that an impact report be prepared and submitted to the County per statutory regulations. This report was submitted to the County and is attached to this memo for your review.

The major issue with the report is it states: "The Town and County are currently negotiating responsibility for maintenance of this road." The mentioned road is County Road 346. Staff is not aware of any negotiations that are talking place. Garfield County Road and Bridge Department has reviewed this application and is recommending the Town annex the entire portion of CR 346 from the west to east property lines.

After review of the annexation map as well as and discussion with the owners' attorney, the proposal is to NOT annex CR 346. Staff concurs with Road and Bridge that this section of road should be annexed into the Town of Silt. If the road is not annexed, it appears an access permit will be required by the County for the gravel pit.

Tim Thulson pointed out that John C. Martin is a principal with Gypsum Ranch, LLC., the owner of the property, in addition Bill Roberts with Western Slope Aggregates, the lessee and Janet Aluise the Planner for the Town of Silt and Christina Sloan attorney for the Town of Silt. The report was received last week and in response to that we are willing to take in that portion of the County Road 346 in front of our property to the Town limits that will require a serial annexation, one additional sheet and we're willing to do that. We're unwilling to lay the mat down, that's just too exhorbant for the project economics. We should have the revised annexation map plat at least ready for review on June 21, 2006 and we would hope to get that out fairly quickly.

Chairman Martin clarified that he is John F. and not a partner in this property.

Public Comment:

Nancy Limbach – not a direct neighbor but is within 1/16 of a mile from it; they also are on 346 road and the entrance to our place, husband lived there for 56 plus years and the traffic already on CR 346 is horrendous and can't imagine when the gravel company comes through and the trucks go by with the gravel pits we already have. Concerned about Farmers Union Bureau has come out with a statement, that about 365 acres per day in Colorado of agricultural land are being lost. Garfield County has done their fair share of seeing that happen. Sad to say with Silt's annexation is doesn't take much for the Town of Silt to be bribed to take on anything. They still aren't playing on their two golf courses, or their community center or their swimming pool that they got with a promise from Stillwater that hasn't happened. The impact this gravel pit will have on my wildlife rehabilitation center that has been running free of charge to Garfield County and the Division of Wildlife for over 23 years and I feel like the impact they will have will require noise mitigation, the deer and elk pens will have to relocate and between that and the gas wells that are coming in, figuring out how to keep bears in hibernation, the more noise and traffic, the bears do not stay in a hibernated state and come out and are really stressed, so we're having to look at relocating part of our operation. I hate to see that the Town of Silt always gets to vote that they want to take away land from the County but the County people don't ever get to vote that we don't want to give it up.

Richard Wheeler – the staff can give the Board in the way of information, a memo of the findings of the hearing that the Town of Silt had and what was actually annexed.

Chairman Martin – for clarification, all the way through Stillwater is a city street and some folks don't realize that but it is and was done several years ago, not by this Board but it had been, and the County is still obligated to do the maintenance and possible other reconstruction depending on negotiations taking place.

Bill Roberts – lessee of this project and clarified a comment made by Nancy that it wasn't the gravel pit's equipment doing the ditch work. He wasn't sure of who did this work.

Tim Thulson stated this company was hired by the ditch company to clean the ditches.

Commissioner McCown – the applicant has alleviated the concern that we had on a willingness to annex that portion of County Road 346 Road into the Town and that alleviates my concern too.

Tim – as far as that map, we will take it from our west property boundary to the east to the City boundary of Stillwater taking in the public road.

Commissioner Houpt – is there anything you can do to eliminate the neighbors concerns about impact.

Tim – the biggest thing we're doing is this is a unique project that will be, once reclaimed, will be given back to the Town as a park and the City will own it and maintain it as a park.

Commissioner Houpt – this is going in front of Silt but as you go through the extractive process, that's more of the concern that was shared today. It's wonderful when things are reclaimed into a use that retains the culture of the neighborhood but as you move forward through the industrial use, that's the impact we heard concern about today.

Bill Roberts – the mining starts on the eastern end of the property and depending on the market debility of the gravel or how fast that it goes it will be a smaller impact going from east to west, so the project is labeled for 20 years and guessing it will be way down the road before it would impact at least the west end of the property. The other thing in terms of the traffic, we try to do the best job we can and stay within the weight limits of the county and that's all we can do.

Chairman Martin - This will be a public hearing in front of the Town of Silt.

Commissioner McCown - this is not a land use hearing, it is a discussion on the annexation. The Town of Silt will discuss all of those things.

Chairman Martin – we need to make sure that there are grounds that say that we disapprove this annexation, that we would state those, otherwise we have no other obligation but to say we hereby

acknowledge that this will be annexed into the Town of Silt and acknowledge that this will be in a public hearing before them.

PUBLIC MEETING:
REFERRAL OF PROPOSED ZONE DISTRICT TEXT AMENDMENTS TO SECTION 6.00, FLOODPLAIN REGULATIONS AND ZONE DISTRICT MAP REVISIONS FOR FLOODPLAIN OVERLAY AREAS ONE MILE EAST AND WEST OF SILT ON THE COLORADO – MARK BEAN
Mark Bean presented the memo stating that in March of 2005 the Planning Department was
Provided copies of the proposed new panels of the FEMA Flood Insurance rate map (FIRM) for the Town of Silt and areas approximately 1.5 miles east of the Silt town limits and 4.5 miles west of the town limits. Staff had originally planned on incorporating these amendments to the maps and the regulations into the Code Revision. We will not make that deadline of August 2, 2006.
In order to meet this deadline, staff has scheduled a public meeting discussion with the Planning Commission on June 14. Staff requests that the Board initiate proposed Zone District Text Amendments to Section 6:00, Floodplain Regulations and Zone District Amendments to the Floodplain Overlay maps for areas along the Colorado River approximately 1.5 miles east and 4.5 miles west of the corporate limits of the Town of Silt, as shown on the proposed FEMA FIRM Map Panels 080205 1091C, 1092C and 1111C.
In the interest of complying of the FEMA request, staff moved forward to adopt the maps and updated the present regulations with FEMA's regulations and consistent with the Code Rewrite. They took the modified floodplain and updated with new definitions and it will become an administrative review versus a permitted use. The Commissioners will see the regulations and the first part of August.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to refer this to the Planning Commission.
Houpt – aye; Martin – aye; McCown - aye

BUILDING AND PLANNING:
PUBLIC HEARING
HARRIS, ANDREW AND SHIRLEY – EXEMPTION FROM THE DFINITION OF SUBDIVISION – FRED JARMAN
Fred Jarman, Carolyn Dahlgren, Barb Clifton and Andrew Harris 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.
Marian Wells stated this property has not been posted. She never did see a posting.
Ella Horn stated this property has not been posted.
Albert Vickers – works the property and the gate at the County Road they go through – can't read any posting and for the last 6 weeks no posting about this property.
Commissioner Houpt – the applicant – was it readable.
The applicant stated it was on the County Road where the mail box is located.
The applicant has not photos.
Albert Vickers and Marion Wells did receive notice but not the information that should be contained in the notice.
Ella Horn did receive the notice.
Carolyn – the entire application does not need to be sent out.
Barb Clifton stated that Marion Wells did come
Marion Wells – 4b on page 5 – procedural requirements.
Fred clarified that she is reading in the application form.
Carolyn – the regulations do not require that the entire application be mailed out.
Commissioner Houpt agreed the neighbors did receive notice; Commisisoner McCown and
Chairman Martin agreed as well that adequate notification was given.
Chairman Martin swore in the speakers.
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 – Memorandum for the County Road and Bridge Department dated June 2, 2006; Exhibit I – Letter from Mountain Cross Engineering dated 6-07-2006; and Exhibit J – Letter from Marion J. Wells dated June 9, 2006.
Fred – on the noticing issue further clarification on notification and pointed out that this has been corrected.
This is a request for an exemption from the definition of subdivision located at 7962 CR 301 between Rifle and Parachute and south of I-70 the Colorado River on 38.9 acres. The request is to split the subject parcel into two lots, Parcel A – 33.89 and Parcel B – 5 acres.
In 1985 there was a parent split and the ownership Vella Moore is the owner, directly west of this property. No record of how this 18-acre parcel was created. In any event this would have only created a second split and this would be the third split. Research will be on-going about the 18 acre property split.
In the letter from Marion Wells, the question of another (see her letter).
Staff Recommendations:
Staff recommends the Board approve the request for an Exemption from the Definition of Subdivision for Andrew and Shirley Harris with the following conditions:

1. That all representations made by the applicant in a public hearing before the Baord of County Commissioners shall be considered conditions of a0pproval unless otherwise amended or changed by the Board.
2. The applicant shall include the following text as plat notes on the final exemption plat:
3. Prior to signing of the plat, all physical water supplies shall demonstrate the following as part of the final plat submittal:
    a. Control of noxious weeds is the responsibility of the property owner.

b. One 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 new solid-fuel burning stove as defined by CRS 25-7-401.et.seg. 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 CRS 35-3-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. 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. All new septic systems and residential foundations shall be designed by a professional engineer licensed to practice in Colorado.

h. Addresses are to be posted where the driveway intersects the County road. If a shared driveway is used, the address for each home should be posted to clearly identify each address. Letters are to be a minimum of 4 inches in height, ½ inch in width and contracts with background color.

i. Driveways should be constructed to accommodate the weights and turning radius of emergency apparatus in adverse weather conditions.

j. Combustible materials should be thinned from around structures so as to provide a defensible space in the event of a wild land fire; and

k. Due to the lack of current fire protection water supply and travel distance to the area, the Rifle Fire Protection District would likely experience difficulties in extinguishing a large fire.

l. The mineral rights associated with the property, also known as Parcels A & B of the Harris Subdivision Exemption) have been partially severed and are not fully intact or transferred with the surface estate therefore allowing the potential for natural resource extraction on the property by the mineral estate owner(s) or lessee(s).

4. Due to the lack of fire protection water supply in the area and the travel distance for emergency response to the area, the applicant shall explore the feasibility of a fire protection water supply in the area such as ponds, irrigation canals, etc. in concert with the District. The applicant shall have a meeting with the District in order to determine what alternatives may be available for the provision of fire protection water.

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 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;

g) A water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the well.

5. The property appears to lie within the RE-2 School District. As such, the applicant shall be required to pay $200 for the creation of Parcel B. This fee shall be paid at the time of final plat.

6. The applicant shall be required to obtain a driveway access permit from the Road and Bridge Department for the access easement as it connects to CR 301 which will include a paved or concrete apron and a new culvert to replace the existing one. An on-site meeting will be required prior to installation of the improvements and reviewed and approved after installation.

7. The existing septic system location shall be determined to verify that there are no conflicts with setbacks for the proposed Parcel B.

Fred noted the plat notes regarding posting the roads and the fire protection and also the well test before filing final plat.
Commissioner Houpt – Condition no. k - a need for fire protection, support number 4 but should add a requirement for a fire protection plan otherwise we only have a discussion and no action.
Fred – the plan suggested by the fire protection is a suggested water supply – we're trying to encourage the discussion only. The fire district did not make a recommendation.
Barb – address mineral separation – title commitment prepared, no discovered severed mineral interest and they do own the minerals. Responded to the items in Marion Wells's letter – well permit issue – these were pre-existing wells and when the Division goes back this is not as easy. The permit at issue does cover adequate acreage for the family and believes it is a legal and valid water permit. Access easement, it is a deeded access easement, 30 foot in width and it is for exclusive for the 38 acres. No limitation on its use to only one house – one additional use does fall under the reasonable use restriction.
Public comment:
Commissioner Houpt – thoughts on a fire protection plan.
Barb – gone by the direction of the fire department district – no problem with meeting with them. One question on the condition related to the driveway permit and when does the Board want this addressed.
Jake Mall – the driveway has to be issued and need this to get a building permit. It's a 30-day permit but they will increase the time and work with the applicant.
Carolyn – follow up on the minerals. Series of deeds from Moore to Wagner and a gas lease is referenced.
Barb – there are separated, the deeds have to do with another piece of property.
Carolyn –will the standard plat note work in this case?
Public Comment:
Marion Wells – near by landowner, Comments are about notice – very well and & good, for people trying to get to review the application, she got the information from Rifle and it's problematic – important for all the land owners to get all the information. Posting – it was not posted, people driving by and can't see the posting, it's a dis-service – this is not an excuse that should hold water. Well – the permit is legal but the water generated and the person buying a 5-acre could lose their water and until it is adjudicated. From 1973 there are six dwellings on the property and it should exceed the limit. The well allows for 3 dwellings and this needs to be redone. The old permit is for the old house and could not be used for this 5 acre lot. Needs to be investigated. Fire protection – this area does not have a water protection. Rulison has minimal water and if it's a new landowner they may not know. Wants to go on the record regarding reasonable use that an oil company may consider this access reasonable and I find it to be commercial and that's why I put it in my notation that its residential and its a dis-service for anyone who provided that access originally that the roadway is not maintained or used respectively for its current landowner. The overall problem I have, yes we have County regs, yes we have enforcement procedures, and the problem is that they are not done these days. If a person is following the County regs currently, for example, there are 3 –4 residences on the property now, what kind of septic system is being used there currently. If regulations are not being followed now and other land has requirements and no enforcement, then who does and it leaves it up to the neighbors to suffer.
Albert Vickery – works Vella's property – more concern as to where they want to cut the 5 acres out of – have problem with the access – across the 39 is the current driveway and the road is slowly being destroyed. Harris does not respect the land at all. Photographs of and operating a commercial business out of their house. Williams Gas and Exploration wants to put two wells on Harris property and use the same road for access. The driveway will not support this kind of traffic – the pipes have been crushed – 12 foot pipes. The road is only 12 foot wide. Harris was driving on the side of the rocks. Doesn't believe they need to increase the damage their property. He's been threatened with physical harm, photos of damage,
Vella – agreed with both of the neighbors.
Barb – the well permit to be used has one house. On the oil and gas issues and the industrial use, this is a separate issue from what we are talking about here. A discussion has been held but nothing finalized. Zoning and the ADU was grandfathered in.
Andrew - A residence is there but no one lives there now. They're an adjudicated spring on the property.
Barb – some issues between neighbors. None of the comments should be ones that the Commissioners hear today.
Commisisoner McCown – a permanent easement no matter what's happens on the current access.
Vella – part of the oil and gas, the right of way would disappear.
Commissioner McCown – a civil agreement.
Albert Vickery – fire trucks weigh the same as a heavy truck.
Fred – did a site visit and spent most of the time looking parcel b. One of the requirements is that you can't get sideways of the current zoning. Some of the dwellings may be pre 1973 but not part of the issue here today. The Board can condition this.
Carolyn – we've been on notice and if there is a problem we would have to enforce the zoning.
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 with the 7 conditions, changing item l under 2 – a plat not indicating minerals may be leased and harvested and those minerals would be under the parcel today and meet with the fire district and implement the plan by the fire district.
In favor: Houpt – aye; McCown – aye; Opposed: Martin - aye

PUBLIC HEARING

HYRUP INVESTMENTS, LLLP – SPECIAL USE PERMIT FOR STORAGE AND PROCESSING OF A NATURAL RESOURCE FOR AN AMINE FACILITY LOCATED APPROXIMATELY EIGHT MILES SOUTHWEST OF PARACHUTE, CO. – RICHARD WHEELER

Carolyn Dahlgren, Jimmy Smith and Cody Smith, Wagon Wheel Consulting, and Richard Wheeler 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 –
Staff Report dated 6-12-2006; Exhibit E -Application materials; and Exhibit F – Letter from Mountain Cross Engineering, Inc.
Chairman Martin entered Exhibits A – F into the record.
Hyrup Investments LLLP. Is the owner and Noble Energy is the operator. Wagon Wheel Consulting is representing the firm. The location is approximately eight miles southwest of Parachute, Colorado on a parcel of 480 acres with access via CR 306.

BACKGROUND

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 an **Evaporative Pond** on that will take place on a 480 acre parcel, leased by Noble Energy. The property is located approximately eight miles southwest of Parachute, Colorado, the south ½ portion of Section 2, T 8 South, R 96 West. The proposal is to gather produced water from Nobel Energy's natural gas well sites and for the evaporation and recycling of produced waters.
The applicant has submitted a COGCC permit Application for a Centralized E&P Waste Management Facility. Also, a permit application for "Notice of Intent to Construct a Non-Jurisdictional Water Impoundment" has been submitted. As far County permit applications, a grading application has been submitted. It appears the disturbance of land will be great enough to require the applicant submit a Storm Water Management Plan. If approved, the applicant shall submit all required Federal and State Permits or Plans prior to issuance of this Special Use Permit.

PROPOSAL

Hyrup Energy is proposing a phased Evaporative Pond system on a 77 acre project site. The ponds will be phased over time; total number of ponds for the project will be four (4). . The drilling, completion, and production of natural gas generate brackish water (produced water). This water will be placed on ponds to partially evaporated, stored, and re-used for continued drilling. The applicant stated that my treating and reusing the water this facility will reduce the need for fresh water for the natural gas drilling operations.

Water will either be piped to the site or trucked on-site. Once there, the water will initially be stored in skimming tanks to allow the removal of hydrocarbons. Once removed, the hydrocarbons will be stored on site and eventually trucked out of the facility. After the skimming ponds the water goes to settling ponds, allowing suspended solids to settle to the bottom of the pond. After the settling ponds, the water will be routed through pipes that are equipped with sprinklers. The water will then be sprinkled unto lined tiered pads. The lined pads will be heated from solar energy and allow evaporation of the water. After flowing across the pads the treated water will be stored to be used again in drilling operations. The tanks and ponds will be either aerated or treated with bio-sides to reduce the production of bacteria and mitigate odors.
Once construction is complete, the facility will not require water or sewer service. The system will be monitored on a daily basis by Nobel Energy.
Garfield County Road and Bridge Department has not issued a specific access permit for this project. During construction, traffic on CR 306 will increase. After completion of the project, the site will be monitored on a daily basis. The applicant has stated the traffic to and from the site should be minimal and possibly limited to one truck to and from the site daily for routine inspections.
The applicant is proposing berming along the evaporative ponds. The sprinkling system is angled such that water will be sprayed in a more horizontal direction and will be on automated system to shut down in the event of high winds. The wind speed at which the system will shut down is no stated in the application. The site is located in an area of trees that will help mitigate impacts. The applicant has stated that the site will be visible to residents of the Spring Creek and Wallace Creek areas. It is not clear to staff what the visual impact of this site will be to the residents in the area

The ponds will be lined. French drains and a monitoring well are proposed should the lining of the ponds leak. It is unclear if a 45 mil or 60 mil liner will be used. Staff is recommending that the strictest of application be used in the lining of the ponds. The existing ephemeral drainage channel is proposed to be routed around the evaporation facilities. Calculations verifying anticipated flows should be submitted. It is anticipated that the water that is initially used for the drilling operations and eventually treated at the facility is of legal acquisition and use. The applicant will need to verify this. Additionally, staff is requesting that this facility be used only for Nobel produced water.

The applicant is proposing to use pumps to power the sprinkler system. These pumps will be housed and shall meet all sound regulations as set for by the State.

The applicant has submitted a wildlife inventory and study of the possible impacts of the evaporative facility. The states: "Construction and operations of the Hyrup Evaporative Ponds and loss of this sagebrush meadow will displace direct use of the site by many species. Wildlife identified to use the site is wintering mule deer, elk, wild turkey, Brewer's sparrows, and western bluebirds. Mitigation measures proposed in the study are as follows:

a. Improve the sagebrush remaining by mechanical removing of pinion pine or Utah Juniper
b. Chopping or mowing a portion of the older more senescent sagebrush to encourage growth of new sagebrush
c. Removing all or a portion of domestic livestock grazing.
d. Park all construction vehicles on a previously disturbed lands during construction to further reduce disturbances
e. Reseed disturbed areas with native grasses and shrubs as well has introduce short lived but highly wildlife-desirable, non bloating legumes
f. Removal of wildlife unfriendly fencing.

It is unclear how the bio-side treated water will affect water fowl habitat within the area. Staff is requesting the applicant address this issue prior to the item going before the BOCC. The site will be chain-link and barb wire fenced to protect wildlife.

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. Once construction is complete the applicant has stated that traffic will minimal. The stated traffic to and from the site aver construction is completed will be one tip to and from the site for normal facility inspection. The site is planned in phases. The timing of the phasing is not addressed in the application materials. It is unclear to staff the duration of construction for each phase and how long it will take for complete construction of all four evaporation ponds.

The applicant has stated the site is near a County road and within sight distance of a local residence. Berming and natural vegetation are proposed as mitigation measures.

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. Re-vegetation of the site
5. Compliance with all prevailing COGCC and Garfield County conditions governing final reclamation

The applicant has submitted a weed inventory and mitigation plan. This plan should be reviewed by the County Vegetation Department prior to this item going before the Board of County Commissioners.

The applicant provided information stating the pumps to be used for the sprinkling system will be housed. This should mitigate some of the sound produced. Regardless, 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. It appears that once construction is complete vibration should be negligible.

If the facility creates smoke or particulate matter, the applicant shall be aware of and meet all Federal and State air quality standards.
Bio-sides and aeration will be used to reduce the protection bacterial and control some of the fumes or odors that will be produced from the treatment of the produced waters. The ponds will create glare, it is not clear how the glare from the facility will be mitigated.

Hydrocarbons will be removed from the produced waters. The hydrocarbons will be stored on site and then eventfully removed.

A chain-link fence with barb wire at the top is being proposed for the site to mitigate wildlife safety issues and prevent trespass.

The applicant shall be aware of this standard a clearly address how all of the material and wastes will be stored and transferred off the property.

Once construction is completed it appears that no heavy equipment will be stored on 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 towards the building and no light will trespass on adjoining property.

Staff is recommending that a ground water test be conducted and those findings be submitted to the County for review prior to issuance of the Special Use Permit and that once the operation begins that the findings of the westerly monitoring well be submit to the county on an annual basis for review.

STAFF RECOMMENDATION: Staff is recommending Planning Commission recommends approval to the Board of County Commissioners for the Special Use Permit to allow and evaporative pond with the following conditions of approval:

1. That all representations of the Applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval 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. Including but not limited to §5.03. 07, §5.03. 08 and §3.02 of the Garfield County Zoning Resolution of 1978, as amended.

3. That the lighting of the facility shall be inward and downward facing with full cut-off fixtures and that no light shall trespass off the property.

4. That the applicant clarifies the wind speed at which the sprinkling system will shut down.

5. That all wildlife mitigation measure shall be implemented as suggesting in the wildlife survey.

6. That the applicant shall demonstrate how all glare from the site will not affect adjoining

property owners

7. That the applicant shall show that the bio-side treated will not affect water fowl habitat in an adverse manner. And if there is an adverse effect, the applicant shall proposed mitigation measures prior to the item being heard Before the BOCC.

8. That the applicant shall conduct a ground water test and those findings shall be submitted to the County for review prior to issuance of the Special Use Permit and that once the operation begins, that the findings of the westerly monitoring well be submitted to the county on an annual basis for review.

9. As per §9.03.05 which allows Periodic Review, the Special Use Permit 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.

However, the Staff Recommendation is that the Board continue this item to allow the applicant more time to completely address all of the Industrial Operations and Standards as set forth in 5.03.07 and 5.03.08
Jimmy Smith, Wagon Wheel Consulting stated he believes they can answer all the concerns.
Commisisoner Houpt – numerous concerns were addressed by staff.
Jimmy Smith – many of the questions received are on these types of applications. They also have material to submit and others were in the application. They received a technical review and felt that all the questions were answered.
The request is for a SUP application for storage, processing and material handling of natural resources for an AMINE Facility on a 5.9 acre project site that is part of a 480 parcel, leased by Noble Energy. The property is located approximately eight miles southwest of Parachute, Colorado, the NW ¼ of Section 12, T* South, R96 West. The proposal is to add the amine facility to an existing compressor station that is connected to an 8" pipe that is 1.5 miles in length. It would treat the natural gas by stripping off the carbon dioxide that is commonly found as a byproduct of natural gas. The carbon dioxide will be removed from the gas using an amine based process. The carbon dioxide acid gas will be vented in small amounts into the atmosphere.
The applicant has submitted a Colorado Air Permit application for a compressor and associated equipment. It is unclear if the disturbance of land will be great enough to require the applicant to submit a Storm Water Management Plan.
Impact Statement - This facility would be monitored remotely and no staff person on site. Noble Energy would be the source whereby the facility will be monitored.
Industrial Operations: the question is the Storm Water Management Plan – no information. Impact on Adjacent Land – this hasn't been directly answered.
A number of issues were questioned by the staff.
Cody Smith – stated regarding the wildlife plan that they had Wildlife assessments and weed control plan done as well and submitted copies of the two additional plans.
Commisisoner Houpt – new submittals will mean there is a problem coming up with conditions of approval.
Jimmy Smith – the package was put together and they received technical completions – the things the staff is asking now were things that were conditions in other similar types of applications. Nobel asked Jimmy to complete the package as they do all the others.
Cody – some of the concerns is a storm water plan and they did receive a plan for a storm water discharge plan and it is being written for this site. These were handed out.
Painting – Noble agrees to continue the practice of painting a base color to blend it with the surroundings. They are planning to house these in building and impacts will be lessened; building permits will be required. In the packet was a bid package for the building and no other specifications were given. Due to the issues of smells and heat and glare, Noble has applied to the State for an air control application and that was in the packet.
Jimmy - during construction – 3 vehicles in and one trip for the remote and daily inspected – other than maintenance periods. Regarding the concerns raised, they would totally agree and understand and are willing if not enough information has been submitted for approval they would welcome a continuance.
Cody – no other disturbance to the site. Noise – low volume, small pumps that put out levels within the state requirements. The pumps are 1" to 2" pumps – powered by electrically generated. Compressor sites – currently two but one will be removed and they will add an additional. Two compressors and one pump.
Vibrations – from those compressors are on concrete beds and vibration could not be felt.
Aiming facility for Oxy – contractor and re-blower 3-29-00 Jimmy explained the process.
Three pieces of equipment. All venting will be in accordance with the State regulations.
Commissioner McCown – co2 – this must be a small operation and the operator chose to vent it.
Jimmy Smith – yes – this is a small amount.
Commissioner McCown - Impact on neighboring properties?
Jimmy Smith – ½ mile from this facility. It sits directly off the County Road and the next closest house is Johnny Hyrup and he looked at other locations but he wanted it placed there.

The Dutton's would be the next location and that's ½ mile – landscaping is rolling and a drainage runs down and a tree barrier.
Cody Smith – the generator will be electric and the only electricity is a singe phase. It will be quieter than a gas generator.
Wildlife plan – they found it is habitable by Mule Deer and several birds and no major impact to wildlife for migration. Thousand of acres for them to feed on.
Weed control plan, Noble is spraying for weeds and in the compressor site there are no weeds and no fire hazards. Gravel inside and the reclamation for berms tends to go to storm water management versus vegetation. The pad is graveled.
Cody Smith – staff comments, number 2 under general requirement for all SUP's – Road and Bridge hasn't issued a driveway permit – Jake can testify – there is a driveway permit submitted. There's two access permits for chaining up and also a small staging area that is graveled.
No lightening plans for this facility – portable lights would be brought it if night work was involved and they would be cast downward.
Jake Mall – Noble has an in and out permit and has a problem parking and they did make those adjustments.
Nick Dutton – a problem on 306 Road – dust and state will enforce. Nothing was put down on this road – hay fields coated with Mag chloride dust. No enforcement of the equipment brought in – doesn't address the drilling plus Hyrup 180 wells and the Dutton property. 306 road on Spring Creek Road – have to condemn the upper part of the 306 road to fix it. School bus has a problem – now with the drilling traffic with an agreement made with EnCana they will be responsible for the 306 side and on the Wallace Creek side. Noble ran a semi off road and took out part of the road – the Wallace Creek Road – Nobles' equipment. Needs to be a comprehensive truck plan in place and enforce it or go ahead and commit the funds to widen the road. Spring Creek is a 400 foot drop off – one or two cars went over the hill. This is a problem – they will start Road and Bridge complies with the dust problem and Noble complies with the dust problem on the Hyrup property. Nick suggested putting some gravel, crushed rock but the oil industry doesn't want to spend the money. Question – did the compressor station ever had a permit to be build – one day the equipment showed up and has been in operations – after two years it was shut down due to non-compliance. Tested and found it would not pass the regulations – can see a thin line of trees and he can see the workers. How can they build something like that for over two years out of compliance?
Commissioner McCown – Garfield County does not permit Compressor Stations as there are a part of the pipeline
Commissioner Houpt – we should have a permit that permits Compressor Stations and thinks we blew it when we approved our pipeline regulations. We should be held accountable for that.
Nick Dutton – wants a comprehensive plan – what kind of equipment etc. is associated with this current proposed facility. This is vague and the specifics are not spelled out. This seems like a hurry up, rushed through job and should be carefully reviewed. Before any of this we need to solve the problem on CR 306. We did get part of it done – he gave the deed to the new road and plans were to fix the road – today a dangerous road. Talked to Jake and it's been well over two years to widen it.
Commissioner McCown – there is a condemnation on-going – we have a less than a cooperative land owner. It takes surveys and appraisers. I will see this road straightened out before I leave in two years. We need the right of way to improve it.
Nick Dutton – why a lack of enforcement, high speed – company vehicles and the construction traffic – sheriff doesn't have communication. Whatever plan that everybody comes up with somebody has to enforce it. Whether it's a regular Sheriff Department deputy, speed limits posted on every corner that's not going to be worked on. The whole things needs to be redone.
Chairman Martin – those signs were posted at one time and in reference to the they school bus situation, we met with the school district, the transportation and came up with extra radios to put in those buses but also an alternate route to address their driver's education, abilities, etc to go down Wallace Creek and they had a backup system for any child on the Spring Creek side to make it to Wallace Creek and we worked with them to get those buses off that road. It wasn't that they wouldn't drive, we requested otherwise due to safety reasons.
Nick Dutton –he realized he was given mis-informed about the school bus. He is getting too many stories from too many people.
On the air quality monitoring station Nick stated that most of the residents live on the windward side of where this drilling is taking place and he was upset about Noble not taking into consideration this factor. Therefore, Nick would like an air quality monitoring system somewhere in this area.
Commissioner Houpt told Nick they had been considering the west end of Garfield County.
Nick wondered then about putting it where the drilling operation is located. With this Amine facility we should try to get an air quality monitoring equipment in close to that.
Chairman Martin – need to have one on the east side and on the west side – numerous more air quality location and looking at 60 or so.
Linda Dixon – representing her mother, Laura Dutton who owns some of the property out there. Her question was in the application their goal is to have 22 million cubic feet of gas processed through this Amine facility a day and it said 8 million is supported by 12 to 15 wells so if I did the math correctly and 36 to 45 wells is what it calculates to so if this is going to be a 200 well project, then how is this Amine facility going to handle the rest of the development. This would have to increase and it would be a big operation.
Cody Smith – it's my understand that this will handle the field and it has been designed to handle everything that Noble is planning to do in the future and what they have now.
Chairman Martin – without expansion.
Linda – how to understand these figures when it says 8 million is support by 12 to 15 wells and the goal is only to have 22 million.
Jimmy Smith – the production rate off of those 12 wells is approximately 12 million cubic feet a day, so if you do that math, you're right – to get to the 22 million total it would be approximately 24 wells in to reach

that 22 million or 24 million rate depending on the test that they are getting out there now off their wells. So the facility itself, the design factor, will more than handle the 22 million cubic feet capacity per day but it will also handle up to 100 million cubic feet without any upgrade. So the facility is being constructed for those featured 200 wells, and as you drill those wells you can't factor in that same volume per well because by the time you're in and out you're drilling those last wells, those first wells have dropped off. That's how you size it and not saying that at some point the facility might have to be upgraded depending on volume, that's always a potential but as with the known factors they know now, this is the best case scenario for handling that production.
Linda – they've mentioned getting these building permits and I think that's been a bone of contention with the noise is they haven't build sheds around that compressor station and Noble has representatives that the County wants $24,000 for a building permit and then each time you talk to Noble it's a different amount. So what assurance is there that hear again you will follow through on your plan and get the building permit because Williams tours people have said it's pretty quiet because they're all in sheds. This is something to be aware of – you're putting things in your plan and let's see the follow through. This is a frustration – hearing from Noble everyday and it sounds like they are going to go broke.
Jimmy – going broke in a company and going broke in a particular area could be two different ways of looking at it. The volumes getting from those wells in the area may or may not be satisfactory according to Noble's long range plans for production, so how much money do you invest up front versus if you know what kind of volumes you're going to have down the road, you may be willing to invest a lot more money upfront. That's a business decision and wouldn't speak to their intentions.
Linda Dixon – If you're putting that in the application then they should be willing to live up to those terms because they're being granted permission based on those terms. My final point was under the fire control, water trucks to wet the roads down, really – they can't even get the roads wetted down, how to water the area around the compressor station. On the fire plan need to demonstrate the basics. A compressor station presents much more of a fire hazard when something does get out.
Jimmy – my knowledge of the permit process is that anything that we speak or anything we agree to on behalf of the client becomes a condition of that permit and if it doesn't happen that permit is invalid and subject to revoking.
Commissioner McCown – did I understand that this whole area around this well pad had been sprayed so that's bare grounded so there is no vegetation to catch fire.
Cody said the vegetation is along the county road and outside of the fences, inside the compressor station where these compressor sit is bare ground and no weeds.
Commissioner Houpt – that's what is creating the dust problem.
Nick Dutton – the roads leading into the pads are on private property – dust created and whatever work goes on it is dirt and creates dust. Get whirlwinds and wherever there isn't a ground cover you have dust.
Jimmy – compressors if needed permits have been done – no flying under the radar.
No flaring on this facility other than what is permitted by the state when it is shut down.

A motion was made by Commissioner McCown to continue this until July 17 and staff work in conjunction and answer the questions and if so placed on the consent agenda.
Motion died for lack of a second
Exhibits G and H – Exhibit G vegetation plan and Exhibit H – wildlife plan.
Commissioner Houpt – would not support the consent agenda item.
Commissioner Houpt made a motion to rescheduled this as a public hearing and continue until July 17th.
Commissioner McCown seconded.
In favor: Houpt – aye Martin – aye Opposed: McCown - aye

Status of the Condemnation
Mary Ann Bosley – Carolyn will check into this.
The Commissioners requested an update from Don next week.
Commissioner McCown thinks it may be with the County Surveyor and if it is we need to go to a private entity, get it surveyed and get it going.

County Attorney's meeting
Carolyn gave the Commissioners an update saying that one of the pieces of legislation has to do with salary for surveys.
Chairman Martin – we're able to contract with them but there is no requirement to pay them a salary.
Carolyn – there are several others to bring to your attention, some require changes in our standard form contracts having to do with immigration issues and then the change as to how we do Executive Sessions where Don and Carolyn will have to make a statement after instead of before saying on behalf what legal issues have been discussed in Executive Session.
Commissioner McCown – there is one that relates directly to our population as far as handling juvenile cases in court.
Chairman Martin – we've hit over the 50,000 mark in population. That's the mental health cases.
Carolyn – my office is in contact with the DA's office and that will happen in an orderly fashion. Budgeting for 2007 and one has to be dedicated to that for all those cases and present those in the District Court.
Carolyn – in terms of the legislation and things that directly affect the BOCC and others which directly affect certain departments, Carolyn will submit a list for the Board.
Chairman Martin – There are eight different subjects that legislation is in the changes, so you've have 8 different categories that you've have to talk about.

ADJOURNMENT

: CHAIRMAN OF THE BOARD

_____ _____

JUNE 19, 2006
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 19, 2006 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
Tim Thulson on behalf of Ironbridge, final plat, at a stage in construction in the absence of the July 3, 2006 meeting, he asked for a final plat filing approval.
Don said this is a problem for his client. His recommendation would be to have the chair authorized and the Building and Planning approval of the documents as discussed then approval of the Chair is authorized.
Commissioner McCown so moved; Commissioner Houpt seconded; Motion carried.
Ironbridge and Westbank Homeowners
Seamless Transition – the homeowners, pro and manager of the Club are getting together on a resolution and the HOA president will be coming back to the Board.
COUNTY MANAGER UPDATE – ED GREEN

- ***County Holidays – Approval for 2007 – Patsy Hernandez and Judy Osman***

  This is the standard list of holidays and asked to consider a full day for Christmas Eve versus a half-day since it is on a Monday.

New Year's Day	***Monday, January 1, 2007***
President's Day	***Monday, February 19, 2007***
Memorial Day	***Monday, May 28, 2007***
Independence Day	***Wednesday, July 4, 2007***
Labor Day	***Monday, September 3, 2007***
Veteran's Day	***Monday, November 12, 2007***
Thanksgiving	***Thursday, November 22, 2007***
Friday after Thanksgiving	***Friday, November 23, 2007***
Christmas Eve	***Monday, December 24, 2007***
Christmas Day	***Tuesday, December 25, 2007***

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the holidays as presented changing the ½ day of Christmas Eve to a full day for 2007.
In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Salary Survey – Consulting Agreement to provide – Judy Osman***

Tim Arnett and Judy Osman presented the recommended award go to Gallagher Benefits Services, Inc. to provide a Salary Survey for approximately 60 positions.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award the Consulting Agreement to Gallagher Benefits Services, Inc. to provide a Salary Survey for approximately 60 positions for $27,000.
In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Community Corrections – Reclassification Request – Guy Meyer***

Judy Osman and Guy Meyer were present. The Community Supervision Manager for Community Corrections has a new position description and currently that position is held by Jeff Potter. The request is to upgrade this to a pay grade 6 and pay rate of $19.70 per hour.
The audit performed by DJC yielded a number of issues that needed to be corrected.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the reclassification for Community Supervision Manager for Jeff Potter to a pay grade 6.
In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Williams Production – Pipeline Installation Request – Jake Mall and Wagon Wheel Consultants***

Jimmy Smith and Cody Smith from Wagon Wheel Consulting, Marvin Stephens and Jake Mall were present. Jake Mall presented the request to install three pipelines in a single trench within the County ROW along CR 300, (Parachute Una Road). Jake reviewed the specifications. Discussion was held as to what would occur if it wasn't completed this year as well as if any compressor stations were planned. The responses were that if the pipeline wasn't completed this year it would be carried over and to the compressor stations, none are planned at the present time. There is a $50,000 bond proposed.
The price would be $65,000 and Don suggested the Board might want to request the $65,000 bond.
Conditionally on obtaining the administrative permit.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for Williams with the 20 conditions adding No. 21 showing a minimum $65,000 Bond.
In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Retirement Benefits – Consideration of Change***

Judy Osman and Patsy Hernandez submitted the proposal.

Commissioner McCown would like to see the new scenario and look at the retirement age of 66 versus tenure.

- ***Land Values Study – Approval of Final Draft – Jesse Smith***

BBC Research & Consulting was hired to develop a statistically valid model that documents and quantifies variations in Garfield County residential property vales; demonstrate how property characteristics, parcel location or other factors influence residential property value; identify possible industrial land uses that hypothetically impact property values, test these hypotheses and quantify the impact of these uses on residential property values; expand explanation of property value variations with non-statistical, anecdotal information and identify county policy alternatives that might be employed to mitigate the impacts of industrial activities on rural residential property values.

Jesse Smith and Randy Russell provided oversight, coordination and substantive technical and conceptual assistance. The analysis focus specifically on residential properties within unincorporated Garfield County. The county is part of a regional economy based on tourism, second home development, recreation, construction and natural gas extraction. Garfield County has six incorporated towns, including Glenwood Springs, the county sea. The Federal government owns and manages over 60 percent of the county's land area.

Commissioner Houpt has many questions and would like to have a work session that worked with the consultants. There are some inconsistencies she doesn't understand and thinks this is a very important documents. She requested the EAB Board be present as well.

Chairman Martin and Commissioner McCown didn't have a problem with this. They hope to have this presented to the public.

Jesse will get with the consulting firm and the EAB to see if the 10th or 17th would be appropriate for the meeting.

- ***Airport Update – Brian Condie***

Brian Condie presented. Handouts were submitted. The meeting was set out after the agenda. FAA on Thursday and gave the short details of that meeting. Realign the runway or do nothing. The FAA wants the Airport to meet the safety standard. The road realignment at the west end, CR 319 and the drainage ditch and the pole would be moved and the road will go through that area.

Several pieces of property will need to be acquired.

Parcels 7a and 8 – we negotiated a well pad site and think Garfield County owns the parcels.

To be acquired and it starts with parcel 12.

In the original scope of work with Olsson, land acquisition was covered. One important thing to note, they will follow the FAA guidelines which are Phase I, two independent appraisals, and offer negotiation and no one from the County should discuss with the owners to say anything other than we're following the FAA procedures, and if we do that we may preclude ourselves from a 95% reimbursement and we don't want to do that. We will turn it over to the experts in this field and let them follow the FAA procedures and it can be known that we are interested in looking at the property, just no comments or promises of any type on that procedure. Funding schedule from the FAA - the Denver District office will be cut back in funds $20 to $30 million dollars each year over the next several years which means they can't give us the $9 million each year that they had scheduled. We have a new funding schedule which Brian gave out to the board. This basically says they will stretch out the project for an additional for two years so we can match their funding request and the completion of this project is not scheduled for 2011 instead of 2009.

During the audit of the county, it was asked that we look at our insurance coverage and the gap will be looked at being closed.

FAIRBOOKS – Jesse presented some new information. The Fairbooks will be mailed to the families in the County.

Budget for Fairgrounds to pave the west side of the stadium for handicapped. Fence was removed to have a seamless paving. A landscape plan will be presented. Two of the Board agreed with Jesse to remove the Juniper trees, some are dead. Commissioner Houpt disagrees about removing live trees.

Jesse – Contract on Marketing Services and Personnel Item for Executive Session. Little Britches contract will also be provided.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice – update on Presco Application; Conflict with Social Services; EnCana Fine and Phase II; Rapids Subdivision; Carbonate and conflicts with Workers Compensation; a personnel issue and Contract Marketing Services.

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

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

Don stated he needed a motion to approve a special Attorney to represent the Department of Human Services.

Commissioner Houpt so moved; Commissioner McCown seconded. In favor: Houpt – aye; Martin – aye; McCown – aye.

- ***New Legislation – Discussion***

The following Bills were submitted for discussion:

- Sheriff Office – "Deputy at Will" – HB06- 1181
- Immigration Enforcement, Public Contracts (HB06-1343
- Immigration Enforcement, Reporting (SB06-090)
- Eminent domain (HB06-1411 & SB06 – 154)
- Zoning and Building Code Enforcement (SB06-074 and

- SB06-009 dealing with, among other things, the conduct of executive sessions

Carolyn also reminded the Board and Mildred that nine (9) counties have been sued for HAVA compliance regarding election systems approved the Secretary of State.
Don and Carolyn will come back with some contract language on the Immigration Enforcements.
Continued discussions will be forth coming.
Colorado Water Conservation Board – sounds like the legislature are focusing on our streams.
Does administration need to be involved? The Board needs to be involved.
New Legislation affecting Elected Officials.
Reporting suspected illegal immigrants.
Lynn – Major state rules related to eligibility regarding this illegal immigrants.

- ***CR 306 Improvements – Discussion***

Spring Creek Road – put it on a budget and put funds in the budget. This needs to be designed.
Jeff Nelson and Marvin Stephens were present.

They would start this fall and construction next Spring. Some citizens are for it and some against it.
Commissioner McCown asked to move out of house and get someone to design this road and let us know how much land we will need. An RFP was proposed.
Marvin will budget for this expense.
Jeff recommended going out for a design build. Don has had discussions with the property owner and they are very agreeable.

Beaver Creek Road and 320 Road - South of Rifle - the drawing were available but Marvin hasn't had time to look at these, this looks like it will move forward but will provide an update. Legal is involved with this because there will be some transference of property. This will require some action by the Board.
White River National Forest and Garfield County, Colorado – Project Agreement to Cooperative road Agreement No. 96-RO-11021500-005 for New Castle Buford Road and ClineTop Road and Four Mile Road

The Forest Service and the County have determined to repair and restore the New Castle Buford Road No. 245, The Clinetop Road FSR 603 and the Fourmile Road FSR300 in order to provide for the safe mix of commercial, administrative use and public traffic.
The agreement is to reimburse the County for application of dust abatement material on the New Castle Buford Road, the Clinetop road and the Fourmile Road in an amount not to exceed $15,000.00.

COMMISSIONER REPORT - 11-53-00 Listen to John
Commissioner Houpt – Roadless Area hearings this week and Tresi asked to discuss this.
John – this is how it affects our County – follow rules – nice plan but has to be flexible.
Tresi feels it is important to protect roadless areas.
Commissioner McCown – Roadless areas to extract timber and not a wise management. See the newspapers – supports historical roads in the same condition. Tuesday, Chevron and Road and Bridge on plans for 2006-2007. Want to meet with each Commissioner.
Chairman Martin – Historic use proven to be there – roadless areas – follow the 10th circuit court and there is a process that has to be followed. Last week – Rifle and Glenwood Springs; 5 minute on Garfield County on Roadless Area.

June 23, 2005 Annual Report – Report on the County.

A road is a passage way and you must follow the 10th Circuit Court.
Hearing Wednesday – Hotel Colorado at 5 PM
CONSENT AGENDA

a. Approve Bills
b. Wire Transfers - none
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Liquor License Renewals for Valley Liquors, Kum & Go #929, Red Rock Diner with change in membership – Mildred Alsdorf
f. Valley View Village Subdivision – Authorize the Chair to sign the Acknowledgement of Partial Satisfaction of the SIA for Phases C&D – Darter, LLC – Fred Jarman

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

REGULAR AGENDA
HUMAN SERVICES COMMISSION
– BEHAVIORAL HEALTH SERVICES – JACKIE SKRAMSTED
Jackie Skramsted presented the update and how the housing affects and their ability to recruit and hire staff and how its affects their services.
They are relocating the financial office to Grand Junction and the hardest hit is the Detox Center.
Additional jobs with the Glenwood Meadows have also had a big impact.
Substance Abuse funding and some additional Medicaid reimbursement will begin in July. This will cover 7 days of detox treatment.
EnCana and some oil and gas companies have been supportive.
At the last Human Services Commission meeting voiced putting in more dollars into the program.
Substance Abuse challenges are meth and alcohol. This creates specific challenges for hospitals and crisis treatment centers. Meth creates violence in people and some times they are unable to meet the needs and have to refer to Valley View Hospital and the Sheriff.

Mental Health Funding – some modest increases in funding.
Emergency services numbers highlight the increased demand for services in Garfield County.
They are approaching other entities to figure out ways to work collaboratively.
Stress in a huge factor in their services.
Down Valley there are two issues – higher percentage lower income and a lack of transportation. No bus from Parachute to Rifle and difficulty in getting to their services.
Parachute has opened up the old high school building for human services free to come in and provide services to that population.
There is a continued demand for emergency services.
Garfield County has a 16% suicide rate and this is along the State average. Looking at this as a community how to address talking about that issue, how to address people in need of services because they are suicidal or at risk for suicide and then helping bridge that gap to the access for services because you still have that issue even though you know who they are, how do we get them to services they need. At different meetings we have many different players – judges, police, hospitals, schools, the schools have really embraced.
Colorado is 7th in the nation for suicide. Truancy is a factor for substance abuse and other issues down the road. This is occurring right now and has several different participants from that coalition.

Meth Use Update on Actions Taking Place

Late last week Lynn Renick received a phone call that a group of professionals are meeting with EnCana to put together a symposium or seminar related to specific Meth and substance abuse as well as other social issues that are impacting the County. Lynn will be attending that meeting.
Chairman Martin stated that the County Commissioner from Mesa County had a role in this also and is behind that as well as using the Montana project and a few other things they are using and getting people involved and educated understanding and how it affects the industry as well.
Associated Governments are putting together a regional Meth Task Force coming up in July.

BOARD OF HUMAN SERVICES

APPROVAL OF EBT/EFT DISBURSEMENTS FOR MAY 2006

For the month of May 2006, client and provider disbursements for allocated programs and EFT/EBT disbursements for April came to a total of $429,413.41.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the disbursements for a total of $429,413.41 and the Chair be authorized to sign.
Houpt – aye; Martin – aye; McCown - aye

CONTRACTS – CONSIDERATION AND APPROVAL OF 06-07

- **MEMORANDUM OF UNDERSTANDING WITH COLORADO DEPARTMENT OF HUMAN SERVICES FOR THE COLORADO WORKS PROGRAM AND THE COLORADO CHILD CARE ASSISTANCE PROGRAMS**

The memorandum of understanding for the Colorado Works shows the anticipated allocation to be $1,344,127, which is a $56,443 decrease from the current year's allocation.
A motion was made by Commissioner McCown seconded by Commissioner Houpt for the Colorado Works shows the anticipated allocation to be $1,344,127, which is a $56,443 decrease from the current year's allocation.
In favor: Houpt – aye; Martin – aye; McCown - aye

- **HOUSING AUTHORITY CONTRACT**

The Department is requesting consideration and approval for a contract with the Garfield County Housing Authority (July 1, 2006 through June 30, 2007) in the not-to-exceed amount of $150,000.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the contract with the Garfield County Housing Authority (July 1, 2006 through June 30, 2007) in the not-to-exceed amount of $150,000.
In favor: Houpt – aye; Martin – aye; McCown - aye

COLORADO MOUNTAIN COLLEGE CONTRACT

A contract with the Colorado Mountain College for the LINK program and job development component of the Department's Colorado Works Program was presented in a total of not to exceed$35,120 and the term is from July 1, 2006 through June 30, 2007.)
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the contract with the Colorado Mountain College for the LINK program and job development component of the Department's Colorado Works Program was presented in a total of not to exceed $35,120 and the term is from July 1, 2006 through June 30, 2007.)
In favor: Houpt – aye; Martin – aye; McCown - aye

KIDS FIRST CONTRACT

This is a contract renewal for childcare resource and referral services and recruitment activities for the State Fiscal Year 2007. (July 1, 2006 through June 30, 2007) in a not to exceed amount of $35,816.00. Child Care TANF transfer funds are utilized for his contract.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the contract renewal for child care resource and referral services and recruitment activities for the State Fiscal Year 2007. (July 1, 1006 through June 30, 2007) in a not to exceed amount of $35,816.00.
In favor: Houpt – aye; Martin – aye; McCown - aye

INDEPENDENT CONTRACTOR FOR PROGRAM SERVICES

Catherine Craig is currently providing professional services for the Department until 7-1-2006. The Department has contracted with Ms. Craig for professional services in CY 2006 in the not to exceed amount of $5,000 however a revised contract is being finalized to increase the not to exceed amount to $20,000 during the period of 4-1-2006 though June 30, 2006. A Scope of Services was included the Board's packet for consideration. The request is for the Board Chairman to be authorized to sign the contract.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the contract in a not to exceed amount of $20,000 during the period of April 1, 2006 through June 30, 2007 once it has been approved by the County Attorney's Office.

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

Placement Contract – IE #T469342 –

Lynn requested approval of placement contract IE-#T469342.

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

Update to the Commissioners – Rulison Blast site

Terry and Ruth Weldon from Tennessee and now they live at the Rulison Blast Site and they were gone three weeks. They are protesting the drilling in that 3-mile area and while in Tennessee we were contacted Brian Mackie and had a nice conservation with him and he was very helpful. He wanted to know where we got out information that we have been putting in the protest and wanted documentation and references. So the last two days Ruth have been condensing about 40 lbs of research information into about 5 pages so we have that to mail to Mr. Mackie today and wanted to come by and leave the Commissioners a copy of it and a copy of the cover letter – its self explanatory.

Chairman Martin – from our information we had no active applications to drill within either the 40 acres, the original blast site or the surrounding acres which is what you referred to as 3-mile area. When one did come forward, we intervened and put certain stipulations, etc. All those applications to our ability, and we are researching that now, were withdrawn or placed aside. So we are trying to find out exactly what active permits have been either issued or being considered issued and we still have an intervention in reference to the first one that came in which as to drill inside a buffer zone or a concern area and we also looked for definition of that 3-mile sphere and of course it will be open to interpretation; there's no drilling without intervention within the 40 acre blast zone. Between there and the 3 mile boundary that you have which is referred to in the Department of Energy, is one stipulation and that is the State of Colorado issues the permit. There isn't a moratorium, its that the State requires that; the drill rigs require from the State no matter where they drill, so at that point there is some confusion in the public and also even with us, is that's not a moratorium area, it's an area of buffer or concern and that's why we intervened to put special requests of monitoring and information sharing, etc.

Commissioner Houpt – there is a closure letter that refers to it as a moratorium but then they go on to define the type of action by the State that they anticipate which is in conflict with the use of that term so there's still a lot of questions out there.

Ruth – there are about 15 operating wells within those 3 miles.

Chairman Martin – and they've all had the refer of the State of Colorado and issued permits with no negative activity being reported so we still think there needs to be some monitoring information gathering etc. and also alerts.

Ruth – not against the drilling, it's just the concern of the blast site and what might be under there – it may be on past the 40 acres. The DOE is not expected to complete the study until 2011.

Chairman Martin – this happened in 1969 and every year that there's a mention that date gets farther and farther out into the future and we're only talking about that 40 acres site.

OUT OF STATE TRAVEL REQUESTS for**:**

CHERI ZITTRER, BYTHE CHAPMAN, AND ROBIN DOVE

Lynn submitted the detailed out of state travel requests for the individuals listed above.

Cheri Zittrer in an amount not to exceed $1400; Blythe Chapman in an amount not to exceed $1400; and Robin Dove in an amount not to exceed $149.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the out of state travel requests for Cheri Zittrer in an amount not to exceed $1400; Blythe Chapman in an amount not to exceed $1400; and Robin Dove in an amount not to exceed $149.

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

Program Updates were given by Lynn.

BOARD OF HEALTH

CDPHE (TB) CONTRACT AND CDPHE (PUBLIC HEALTH NURSING) CONTRACT

Mary submitted the contract and stated it is for $72,688.30 ending June 30, 2007. She asked for approval and signature of the Chair.

Commissioner Houpt so moved; Commissioner McCown seconded;

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

Tuberculosis Program

Mary submitted the contract for the Tuberculosis Program for $3,000.00 in exchange for the promise of the Contractor to perform the work identified in the original contract for renewal for one year ending June 30, 2007. She requested the Chair be authorized to sign the contract.

Commissioner Houpt so moved; Commissioner McCown seconded;

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

ENVIRONMENTAL HEALTH PROGRAM UPDATE – JIM RADA

Jim Rada – the air monitoring survey is on-going and gave a brief update on the program.

Instituting change will take a lot of small steps and getting folks to get involved in environmental health. Just letting me know that environmental health services are available. He gave a report to the Board.

PUBLIC MEETINGS: ABATEMENT FOR RIVER VALLEY RANCH GOLF, LLC - SHANNON HURST

Shannon Hurst explained the River Valley Ranch Golf, LLC public notice and a fax was received. They requested the Board issue an administrative appeal. They want abatement for 2003 and 2004 - $53,480.89 and 62,466.30 and asked the Board to deny. The reasons are 2003 they protested their valuation but did not take the necessary steps. For 2004, Shan McCourt notified but they didn't send it until mid May and she asked them to deny.

The golf course sold for $6 Million – Shannon contracted Holland & Hart to make sure this was a hard sell.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to deny the Abatements for River Valley Ranch Golf, LLC for 2003 and 2004.
In favor: Houpt – aye; Martin – aye; McCown - aye

ABATEMENT FOR HIGH TAILS – SHANNON HURST
Schedule P006492 - personal property

Shannon Hurst presented the Abatement in the amount of $1,721.18 due to the leasehold improvements listed on the 2005 personal property declaration are considered real property and a portion of the 2005 taxes needs to be abated.
Commissioner McCown moved to close the Public Hearing; Commissioner Houpt seconded; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to abate the abatement on for High Tails Schedule P006492 an amount of $1,721.18.
In favor: Houpt – aye; Martin – aye; McCown - aye

Titles to Vehicles for Auction – Need the Chair authorized to sign.
Commissioner McCown made a motion to authorize the Chair to sign the Titles presented for salvage.
Commissioner Houpt seconded.
In favor: Houpt – aye; Martin – aye; McCown - aye

CHATMAS, ROBERT – CONSIDER A REQUEST FOR AN AMENDED FINAL PLAT FOR LOT D21 OF ASPEN GLEN – RICHARD WHEELER

Richard Wheeler submitted the project information and staff comments stating that the Aspen Glen duplex lots are to be subdivided after the units are construction. The lot is determined after construction is completed to accurately display the common zero lot line of the adjoining units. The applicant has provided all he required documentation and has satisfied the applicable standards for this plat amendment.
Staff Recommendation:

1. That all representations for he Applicant either in 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 Aspen Glen PUD shall be shown or referenced on this amended plat.
3. Within 90 days of approval, the Amended Final Plat shall be reviewed then signed and dated by the County Surveyor, then signed and dated by the Chairman o0f the Board and recorded in the Clerk & 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 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 amended plat for Lot 21D.
Houpt – aye; Martin – aye; McCown - aye

BUILDING AND PLANNING:

PUBLIC HEARINGS:

CHEVRON USA, INC. CONSIDER A CONDITIONAL USE PERMIT REQUEST FOR EXTRACTION AND MATERIAL HANDLING OF NATURAL RESOUROCES FOR THE NORTH CLEAR CREEK CONSTRUCTION MATERIALS MINE – FRED JARMAN

Carolyn Dahlgren, Fred Jarman, Shan Norris and Amanda Jacobs 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.
Exhibits were submitted: 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 dated June 19, 2006; Exhibit F – Memo from Road and Bridge Department dated 6-13-2006; Exhibit G – Letter from Mtn. Cross Engineering dated 6-09-06; Exhibit H – Letter from the Grand Valley Fire Protection District dated 6-9-2006; Exhibit I – Referral comment from the Town of Parachute; and Exhibit J – Email from County Vegetation Manager dated 6-15-2006.
Chairman Martin entered Exhibits A – J into the record.
This is a Conditional Use Permit for "Extraction and Material Handling of Natural Resources" for a Construction Materials Surface Mine, Chevron Shale Oil Company, a Division of Chevron USA, Inc. The subject property is located approximately ¾ miles beyond the end of CR 211 (Clear Creek Road), approximately 17 miles northwest of DeBeque on an 8-acre site located on an approximately 115,000 acre property

DESCRIPTION OF THE PROPOSAL

The Applicant requests approval for a Conditional Use Permit to operate a construction materials surface mine. This proposed use involves removing natural shale / rock material from an existing hillside located in the geologic formation characterized as talus slopes. The mine site will comprise a total of 8 acres once fully mined. The subject property is approximately 115,000 acres in size. The method of extraction is a bulldozer which will dig the material out which is then loaded into dump trucks to be transported to construction sites around the property. The material will be mined "as is" such that there will be no processing / crushing / blasting of material at the site. The Applicant proposes the life of the extraction activity to be between 5 and 15 years depending on the pace and amount of material extracted for various needs of the Applicant. The Applicant intends to use the material exclusively for lands owned by Chevron in the area, which will use private internal roads to haul the material. The Applicant proposes limited use of CR 211 (Clear Creek Road) to haul material to properties owned by Chevron; however, no material will be hauled out onto CR 204 (Road Creek Road). Hours of operation are proposed from 7:00 AM to 7:00 PM, Monday through Saturday. Six to eight dump trucks will be accessing the site every day making 3 – 4 loads during peak periods of activity. Water trucks will be used for dust control as needed.

GENERAL SITE DESCRIPTION

The site proposed for the surface mining activity is located in the geologic formation defined as talus slopes. It is an 8 acre area on western facing slopes of 60+% covered primarily by sage and oak brush that is located about 1 mile beyond the private gate at the end of CR 211. The site rises on the eastern side of the existing private access road. The area to be mined sits on the north side of a gentle ridge that effectively screens any view of the mine from the south further down the valley. Clear Creek runs in a southerly direction approximately 100+ feet on the west side of the private access road. The photo below shows the southerly view from the site to be mined on the left side of the road.

BACKGROUND

May 1, 2006, Staff referred the proposal to the Board to 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 extreme remote location of the mine location at the dead end of CR 211 1 mile beyond a locked gate on a 115,000-acre property, 2) limited nature of potential impacts, and 3) the fact that the nearest residential dwelling was at least ¾ miles from the mine which was visually separated by significant topography.

The 115,000 acre property is located within the Resource Lands zone district and can be characterized as containing all the sub-zone districts in that zone included plateau, talus slopes, escarpment, and gentle slopes and lower valley floor. The subject mining site is located in the alluvium / talus slopes which allow extraction and material handling of natural resources as a conditional use. The following picture below illustrates these zones for the Board's reference.

The mining activity itself does not require permanent domestic water or wastewater services. The only water use required at the site is to be used for dust control. The application states that Dalbo, Inc of Vernal, Utah will provide water trucks for dust control. Dalbo, Inc. has water rights by way of an activated West Divide Water Augmentation Contract, which allows water to be withdrawn from Grant Brother's pond, and Latham pond, which are fed by the Colorado River. The approved water contract for "oil field enhancement" for 30 acre feet has been submitted with the application.

The application states that the trips generated from the mining activity will minimally impact the County Road System because the bulk of the material will be hauled on private rods on the Chevron property on the private road beyond the end of a locked gate at the end of CR 211. Six to eight dump trucks will be accessing the site every day making 3 – 4 loads during peak periods of activity. This would peak at 64 trips at the peak of usage. Water trucks will be used for dust control as needed.

There will be some travel on CR 211 between CR 204 and the end of CR 211. This is to access additional property owned by Chevron along CR 204. As a matter of reference, the intersection of CR 211 and CR 204 is where the Cowboy Chapel is located a shown in the photo to the right.

The trips counted by the County at this intersection in 2002 were 16 trips coming from the north on CR 204 to CR 211. The County Road and Bridge Department provided the following comments regarding the project's impact to the county road system: 1) dust control should be applied to CR 204 (Clear Creek Road) from the intersection of CR 204 (Main Roan Creek) to the end of the public road. This application will be reapplied as needed to control the dust on the road as long as there is work being done by Chevron. 2) All equipment hauled to the site will abide by Garfield County Road & Bridge Department's oversize/overweight permit system. This may also require a new bond prior to permits being issued. (Exhibit F)

The site proposed for the surface mine is located approximately 1 mile north of a locked private gate on a private road near the bottom of steep canyon drainage of Clear Creek. The nearest occupied residential property is located approximately 1 mile south of the project site. More importantly, the area to be mined is physically situated behind a raised slope such that it eliminates any view from the south. There are no properties within several miles in other directions of the site. Staff finds that the location of the mine is such that it will have virtually no affect on any surrounding properties.

As mentioned above, the mining activity itself does not require permanent domestic water or wastewater services. The only water use required at the site is to be used for dust control. The application states that Dalbo, Inc of Vernal, Utah will provide water trucks for dust control. Dalbo, Inc. has water rights by way of an activated West Divide Water Augmentation Contract, which allows water to be withdrawn from Grant Brother's pond, and Latham pond, which are fed by the Colorado River. The approved water contract for "oil field enhancement" for 30 acre feet has been submitted with the application.

Additionally, the application contains a Storm Water Management Plan (SWMP), which is intended to demonstrate how water resultant from a heavy rain event is properly handled so that there is no pollution of surface run-off to surface stream flow. This SWMP incorporates appropriate best management practices employed to handle the drainage of storm water flows specific to erosion and sediment control measures such as topsoil stockpile / diversion berm & ditches, downhill silt fencing, and hay bale / rock check dams, etc. This SWMP is filed with the Colorado Division of Public Health & Environment.

The mining activity will consist of the use of bulldozers, loaders, and dump trucks. There will not be any glare or adverse vapor generated from the use. There will be limited smoke generated from the exhaust of the machinery used to extract and haul the material. Due to the remote location and physical geography of the site, there will be no detectable vibration or noise generated from the use at the boundaries of the property. The mining activity will generate dust, which is proposed to be mitigated by watering by trucks from Dalbo.

The application states that the Colorado Division of Wildlife was asked to comment on the proposal; however no comments were provided in the submittal or to Garfield County. The application states that there will be no hazardous attractions to wildlife at the property and that migration routes will not be impacted by the mining area. There was no scientific data to support this statement in the application. Staff cannot determine if mining activity here will or will not impact wildlife for the 8 acres site disturbed by the mining activity.

The application states that the trips generated from the mining activity will minimally impact the County Road System because the bulk of the material will be hauled on private rods on the Chevron property on the private road beyond the end of a locked gate at the end of CR 211. Six to eight dump trucks will be

accessing the site every day making 3 – 4 loads during peak periods of activity. This would peak at 64 trips at the peak of usage. Water trucks will be used for dust control as needed.
There will be some travel on CR 211 between CR 204 and the end of CR 211. This is to access additional property owned by Chevron along CR 204. As a matter of reference, the intersection of CR 211 and CR 204 is where the Cowboy Chapel.
The trips counted by the County at this intersection in 2002 were 16 trips coming from the north on CR 204 to CR 211. The County Road and Bridge Department provided the following comments regarding the project's impact to the county road system: 1) dust control should be applied to CR 204 (Clear Creek Road) from the intersection of CR 204 (Main Roan Creek) to the end of the public road. This application will be reapplied as needed to control the dust on the road as long as there is work being done by Chevron. 2) All equipment hauled to the site will abide by Garfield County Road & Bridge Department's oversize/overweight permit system. This may also require a new bond prior to permits being issued.
The proposed site is located al least 1 mile beyond a private locked gate at the end of CR 211 and al least 1 mile from the nearest residence. It is at the southern end of an 115,000-acre property. Additionally, the physical / geographic location of the area to be mined is secluded such that views from the south will not be impacted by the use.

I. The application proposes a reclamation plan that is also required by the Colorado Division of Minerals and Geology in the Mined Land Reclamation Permit. Generally, reclamation consists of recountouring the slope back to a 1:1 slope. There is very little vale to the topsoil of this complex. The application states that the most reasonable method to reclaiming the site will be to use a track hoe to push down material from the top terrace down the face of the high slope to create a more favorable angle of repose. While the backhoe works back from the terrace the operator will roughen the surface to create pockets on the surface of the soil. These pockets provide a collection point for fine materials that will produce a more favorable seedbed and better dissipate the effects of water erosion on the slopes. These slopes are then prepared for revegetation with native non-invasive species recommended by the Natural Resources

STAFF RECOMMENDATION

The planting will take place in the fall after mining has ceased. The seeding will occur between September 15th and December 1st of any given year. The method of seed placement will be in the form of broadcast. Once the seed is broadcast straw mulch will be used to protect the seed. A second broadcast may be needed 1 year after initial seeding. The seeding mix and species of grasses for the area are shown on page 8 of this report. This is a seed mixture recommended by the NRCS. The NRCS suggested this seed mix because of its ability to grow in a wide variety of soil types including the soil type characteristic of the mine site. The seed mix is available through Nilex Environmental in Denver, Colorado. Some natural invasion of forbs and woody plants from the surrounding areas are expected.

Weed control will be implemented prior to and during revegetation activities. This does not mean the operator will attempt to kill all weeds, since some provide natural ground cover and shade for emerging areas. If a problem occurs, weed control activities will concentrate on controlling the noxious weeds on the reclaimed area, following NRCS recommendations. Weed control will likely involve using chemical control agents.

Due to 1) the extreme remote location of the mine location at the dead end of CR 211 1 mile beyond a locked gate on a 115,000-acre property, 2) limited nature of potential impacts, and 3) the fact that the nearest residential dwelling was at least ¾ miles from the mine which was visually separated by significant topography, Staff recommends the Board approve the request for a Conditional Use Permit for Extraction and Material Handling of Natural Resources for the Chevron Construction Materials Mine 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. No Conditional Use Permit shall issue until the Applicant has provided an approval from the Division of Minerals and Geology.
3. The Applicant shall submit a reclamation bond of $37,800 to Garfield County for the reclamation of the disturbance prior to the issuance of the Conditional Use Permit.
4. Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes.
5. Vibration generated The mining activity 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.
6. Emissions of smoke and particulate matter: The mining activity shall be so operated so as to comply with all Federal, State and County air quality laws, regulations and standards.
7. Emission of heat, glare, radiation and fumes: The mining activity 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.
8. Storage of Heavy Equipment will only be allowed subject to the following standards:
    a. Storage of flammable or explosive solids or gases shall be in accordance with accepted standards and laws and shall comply with the national, state and local fire codes and written recommendations/comments from the appropriate local protection district regarding compliance with the appropriate codes;
    b. No materials or wastes shall be deposited upon a property in such form or manner that

they may be transferred off the property by any reasonably foreseeable natural causes or forces;

c. All equipment storage will be enclosed in an area with screening at least eight (8) feet in height and obscured from view at the same elevation or lower. Screening may include berming, landscaping, sight obscuring fencing or a combination of any of these methods;

d. Any repair and maintenance activity requiring the use of equipment that will generate noise, odors or glare beyond the property boundaries will be conducted within a building or outdoors during the hours of 8 a.m. to 6 p.m., Mon.-Fri; and

e. Loading and unloading of vehicles shall be conducted on private property and may not be conducted on any public right-of-way.

9. That the Applicant shall comply with the following requirements of the County Road and Bridge Department:

f. Dust control should be applied to CR 204 (Clear Creek Road) from the intersection of CR 204 (Main Roan Creek) to the end of the public road. This application will be reapplied as needed to control the dust on the road as long as there is work being done by Chevron; and

g. All equipment hauled to the site will abide by Garfield County Road & Bridge Department's oversize/overweight permit system.

10. The Applicant shall submit proof that a reclamation bond has been provided to the Division of Minerals and Geology and that a NPDES permit shall be submitted to the County prior to the issuance of the Conditional Use Permit.

Applicant: the staff report and photos addressed the site and description. The house is a mile away and it is owned by Chevron. Over the period of time, the mine site could use the total 8 acres for this material.

Commissioner Houpt –asked about traffic and photos, noise and dust generation.

Public testimony

Chris Manera – Professional Engineer, Colorado River Engineering out of Rifle and he said he does engineering for a major land owner, the Colorado Nature Ranch on portions of the Chevron property to the west on Clear Creek and they are the lessee of the Chevron in the Clear Creek Valley. The owners live out of town and asked Chris to voice a couple of concerns: 1) dust control on CR 211 and they want to make sure this is addressed and it doesn't become a problem. 2) is the magnitude or the length of operations, they were nervous on the 15 year time period and also the operations during the week, in the application it was 6 days a week, 7 am to 7 pm excluding Sundays. They use the land for hunting.

Chevron and Colorado Nature Ranch work together. Hunting on Chevron lands is forbidden. The 7 to 7 was for the application but this will not be a situation where traffic will be running in and out. This is for strictly Chevron use.

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

Commissioner made a motion to approve a Conditional Use Permit for Extraction and Material Handling of Natural Resources for the Chevron Construction Materials Mine with the conditions 1 – 10 provided by Staff striking "c" of Number 8 and as a footnote on No. 3 change "bond to security". Commissioner seconded;

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

PUBLIC HEARINGS:

BUILDING AND PLANNING: PATRICK, TERRI – SILT HEIGHTS SUBDIVISION – PRELIMINARY PLAN APPLICATION – FRED JARMAN

Roger Neal and Terri Patrick were present.

Fred 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.

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 E - Application materials; Exhibit G – Staff memorandum; Exhibit H – Memorandum from the Road and Bridge Department dated December 6, 2005; Exhibit J – Letter from Mountain Cross Engineering dated December 6, 2005; Exhibit K – email from the City of Rifle dated November 21, 2005; Exhibit L – Letter from the Division of Water Resources dated 12.02022005; Exhibit M – Letter from Vegetation Director dated 12-9-2005; Exhibit N – Letter from Dan and Dawn Bailey dated 12-09-2005; Exhibit O – Memo from the County Environmental Health Manager dated 12-05-2005; Exhibit P – Owner authorization so Shari Neuroth dated 12-12-2005; Exhibit Q – Letter from the Division of Wildlife dated 12/05/2005; Exhibit R – Letter from HCE to B & P received April 3, 2006; Exhibit S – Letter from Stuver, LeMoine, and Clifton dated 3-16-06; Exhibit T – Letter from Mtn. Cross Engineering dated 5-10-06; Exhibit U – Letter from Neighbors in support of project; and a new Exhibit V – Letter from the Rifle Protection District dated June 5, 2006.

Chairman Martin entered Exhibits A – V into the record.

Fred - This was continued from 05/15/06. This is a request for review of a Preliminary Plan for a 4-lot subdivision on thirty-six (36) acres. Applicant is Terri Patrick. The Parcel lies between Rifle and Silt, north of I-70, at the end of CR 259. Access is from CR 259 (Jewell Lane)

PROJECT INFORMATION

The Applicant proposes to divide the 36-acre parcel into 4 residential lots. The development proposes that each lot will contain a single-family home. All lots are between five (5) and seventeen (17) acres in size. The property lies at the toe of a hogback and generally consisting of rolling pasture land. The property is presently improved with a single-family dwelling on the north portion of the property. The property has been used for agricultural purposes. Existing vegetation includes limited mature cottonwood trees, sagebrush, and grasses. A stock pond also exists on the site. The site possesses a 180-degree view of the

Bookcliffs and Colorado River valley. The property is served by a 14' wide gravel road, which extends from the end of County Road 259 along the eastern boundary of the property. The most significant feature on the property is the Farmer's Irrigation Ditch (situated within a 110' easement, approximately), which meanders through a large portion of the property. Large lot agricultural and residential uses surround the property.

Legal Water

Regarding legal domestic supply, according to the analysis, it appears the subdivision will divert an average of 4.75 AF annually and consumptively use 1.55 AF with transit losses included. A well, the "Silt Heights Well", was drilled under a domestic well permit approved by the Colorado Division of Water Resources. The Applicant obtained a substitute supply plan from West Divide Water Conservancy District Contract for the 1.55 AF needed to supply legal water to the subdivision. This is an activated contract.

Physical Water

Regarding physical domestic water supply, two wells have been drilled and pump tested at varying rates over 4-hour periods. As a result, the analysis concluded that "based on the pumping tests from both wells, with water storage to handle peak demands, the two wells should be adequate to serve two of the single-family lots. It may be necessary to limit irrigation withdrawals during extended drought periods. Zancanella suggests an alternate outside irrigation source be developed, if possible. It is reasonable to assume that two additional wells will be obtained."

Irrigation Water

Regarding irrigation water, the report only indicates that water will be diverted (from the wells) to irrigate up to 2,500 square feet of lawn and other equivalent outside uses. This is an issue because the report states "it may be necessary to limit irrigation withdrawals during extended drought periods. We suggest an alternate outside irrigation source be developed, if possible." As you are aware, all lots, pursuant to Section 9:51, shall be provided an adequate irrigation water supply. The Applicant also owns 5 shares of the Farmer's Irrigation Ditch, which are proposed to be given to each new lot owner. As is typically required, the shares actually will need to be deeded to the HOA, which will allocate the water to the new lots. This will need to occur at final plat.

The Division of Water Resources reviewed the proposal and stated, "It is our opinion that the proposed domestic water supply is physically adequate; however, material injury will occur to decreed water rights unless the Applicant obtains and maintains valid well permits for the proposed wells pursuant to the West Divide's temporary substitute supply plan. Due to lack of information submitted, CDWR cannot comment on the physical adequacy of the irrigation supply. The use of the irrigation water rights must not result in an expansion of use, and approval of a change of water right application by the water court may be necessary if the place of use is changed." (*Exhibit L*)

Roads /Access

The development proposes access to the four lots from CR 259 by way of a 600 linear foot dead-end cul-de-sac with a turnaround that the end. The access road will utilize a portion of an existing thirty (30) foot wide access easement to CR 259 currently providing access to the property. The road servicing the 4 lots appears to meet the required "semi-primitive" standard. This standard calls for a minimum 40-foot right of way with each lane at least 8 feet in width with a gravel surface, a maximum grade of 10% percent, a shoulder width of 2 feet, and a ditch width of 4 feet.

It appears the existing access easement also serves other properties and therefore the Applicant does not have sole ownership of the access easement serving the subject property. It also appears that the easement may partially lie on adjacent parcels. Since the current access easement is held by neighboring properties it may be necessary for the Applicant to obtain permission from the easement holders to change the use of the easement and to make it a publicly dedicated right of way.

The Applicant's attorney provided a letter (*Exhibit S*) that asserts that the easement is a non-exclusive easement and that the Applicant may make "reasonable use of the easement so long as it does not interfere with the right of the properties the easement benefits."

Because this is a subdivision where the access road will serve more than 1 lot, Section 9:34 is required such that "All streets are dedicated to the public but all streets will be constructed to standards consistent with these Regulations and repair and maintenance shall be the responsibility of the incorporated Homeowners Association of the subdivision." This shall also be included as a plat note on the final plat.

The Garfield County Road & Bridge Department reviewed the proposal and has no objections to this subdivision request with the following conditions. The Applicant shall apply for a driveway access permit issued by Garfield County Road & Bridge Dept. and comply with the conditions of the permit. This would include a paved apron at the driveway approach to CR 259 and a stop sign. The stop sign and the installation shall be as required by the MUTCD (Manual on Uniform Traffic Control Devices.

PLANNING COMMISSION RECOMMENDATION

On December 14, 2005, the Planning Commission unanimously recommended approval to the Board of County Commissioners for the Preliminary Plan of the Silt Heights Subdivision with the following conditions:

15. 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.
16. The Applicant shall include the following plat notes on the final plat:
    k) 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.
    l) 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.

m) 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.

n) No further divisions of land within the Subdivision will be allowed.

o) 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.

p) 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.

q) Based on the analysis of the sub-soils on the property, Individual Sewage Treatment System and foundation designs are required to be conducted by a registered professional engineer licensed to practice within the State of Colorado. These studies and plans shall be submitted with individual building permit application for each lot. The cost of these studies shall be borne by the individual property owner.

r) All streets are dedicated to the public but all streets will be constructed to standards consistent with Section 9:35 of the Subdivision regulation of 1984, as amended and repair and maintenance shall be the responsibility of the Homeowners Association of the subdivision.

s) The mineral rights associated with this property (also known as Parcels 1, 2, 3, and 4 of the Silt Heights 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).

t) The water quality analysis as contained in the Water Supply Plan prepared by Zancanella & Associates on September 1, 2005 states that the water from the well was tested and found to have a poor quality, in that, it exceeded the maximum contaminant level for selenium turbidity, sodium, chloride, sulfate, total dissolved solids, iron, and fluoride. The analysis states that "treatment of the water will be necessary prior to human consumption." It is required that treatment of this water shall be achieved by a Reverse Osmosis (RO) type system. Due to excessive water consumption required by an RO system, all design flows for Individual Sewage Disposal Systems shall also be engineered to accommodate RO treatment systems.

17. The Applicant shall prepare an "Individual Sewage Disposal System Operation and Maintenance Plan" to be submitted to the Planning Department Staff for review prior to the public hearing before the Board of County Commissioners. This plan shall be incorporated into the covenants as part of the final plat application review.
18. The protective covenants shall assign responsibility for weed management along roadsides and in common areas to the Homeowners Association. The covenants shall describe how weed management shall occur on individual lots and be managed by each individual lot owner.
19. The Applicant shall 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 be held for revegetation.
20. The Applicant shall provide the revegetation security in the form of a separate letter of credit (amount determined by the County Vegetation Director) to Garfield County until vegetation has been successfully reestablished according to the County's adopted Reclamation Standards. The release of the security shall not occur until a formal opinion has been rendered by the County Vegetation Director as to the level of successful revegetation. This requirement shall be incorporated within the Subdivision Improvements Agreement (SIA).
21. The Applicant shall provide a "Soil Management Plan" to the County Vegetation Director for approval as part of the final plat submittal. This plan shall include 1) provisions for salvaging on-site topsoil, 2) a timetable for eliminating topsoil and/or aggregate piles, 3) a plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more.
22. The Applicant shall provide approved well permits for the wells that are to be drilled to provide water to the subdivision and an approved West Divide Water Conservancy District contract as part of the final plat documents. In addition, and prior to the signing of the final plat, all physical water supplies shall demonstrate the following:
    h) That a four (4) hour pump test be performed on the well to be used;
    i) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
    j) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;
    k) 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;
    l) An assumption of an average of no less than 3.5 people per dwelling unit, using 100

gallons of water per person, per day;

m) 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;

n) The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.

23. The Subdivision Improvements Agreement (SIA) as well as the protective covenants shall provide that the irrigation water rights / ditch shares currently assigned to the property are conveyed to and owned by the Homeowners' Association (HOA). All related easements shall be shown on the final plat and dedicated to the HOA.
24. The Applicant shall pay the Traffic Impact Fee to Garfield County to be calculated and paid prior to recordation of the final plat.
25. The Applicant shall pay the cash-in-lieu for the School Site Acquisition Fee for the RE-2 School District of $200 per dwelling unit prior to recordation of the final plat.
26. The Applicant shall incorporate the following provisions into the protective covenants regarding fire protection for the subdivision:

    d) All new residential dwellings shall be required to install fire suppression sprinkler systems that are consistent with the design requirements of the Rifle Fire Protection District, the International Fire Code, and NFPA standards. The design and inspection of such sprinkler systems shall be approved by the Rifle Fire Protection District;

    e) Vegetation should be removed from near any structures in order to provide a safe zone in the event of a wild land fire;

    f) When constructing access roadways into the parcels, consideration should be given to the weights of fire apparatus and accessibility during adverse weather conditions;

    g) The address of the properties are to be posted where the driveway access the County Road and on the residence itself if a shared driveway if used. Letters are to be a minimum of 4 inches in height, ½ inches in width and contrast with background colors,

27. Should crossings of the Farmers Irrigation Ditch be required to access building sites, the crossings shall be approved by the Silt Water Conservancy District. Proof of this approval shall be submitted with any building permit application.
28. The applicant shall apply for a driveway access permit issued by Garfield County Road & Bridge Dept. and comply with the conditions of the permit. This shall include a paved apron at the driveway approach to CR 259 and a stop sign. The stop sign and the installation shall be as required by the Manual on Uniform Traffic Control Devices.

Commissioner Houpt – irrigation water and it indicates the wells will be not dual use water.
Applicant:
A share for the farmers irrigation is 4.5 gallons a minutes for a 24 hour period = 1 share and she has 5 shares to be divided between the four lots, the original keeping some and they will be responsible for the ditch assessment, etc. as property and share holder owners.
Commissioner McCown – as a point of clarity is it 5 shares per lot of 5 shares total.
Ans: total.
One can buy more shares; they are $2,000 a share.
Fred – any applicant is required to be able to prove up irrigation water for the subdivision.
Commissioner McCown – is irrigation water a requirement for Subdivision regulations.
Fred – yes, its irrigation water that, it doesn't say whether it's raw water or well water so every subdivision has to have what they call adequate water for irrigation. You typically see this as 2500 sq feet in a well permit. In this case you have both.
Chairman Martin – it's nice that they give these shares to the property owner, they belong to the ditch company but when that assessment comes at the end of the year, they better make sure they pay it or they lose their irrigation water.
Carolyn – this needs to be clear and not an exemption, the HOA is actually going to hold their shares and not sure how Farmers Irrigation does it.
Commissioner McCown – they will continue to hold those because if you order any less than the 5 shares, you will never get the water delivered to your point, it will be lost through carrier water so they have to all be called for theoretically at the same time in order to get any water.
Commissioner Houpt – zeroscape is beautiful but still important to have the irrigation water.
Commissioner McCown – if they're using RO Systems is there any problem watering the lawns or bushes with the reject RO water in the summer.
Roger said it depends on the quality - if it's too hard on the vegetation then no, if it's okay then they will allow it.
Terri has tried to do a zeroscape with rock around her place because of fire hazard in the whole State and she uses less water that way. She will promote that.
Public input
Dawn Bailey and husband Dan own the property directly to the north of Terri; first did the Commissioners receive the two letters from Stewart Dextra and from Bob and Sue Coquez.
Chairman Martin submitted the two letters as Dextra - Exhibit X and Coquez as Exhibit W.
Dawn – understand there won't be a fire pond and talked to Fire Chief Morgan this morning to understand why and he told me that each house would have to their fire sprinkler and each would need to have storage as a cistern so where do they get the water. What was the outcome of water court on the RO system? There is not enough water. Second concern is wildlife and livestock - there was a problem with dogs chasing a doe with two fawns. You get more than one dog and you have a pack of dogs.
Roger – on the water court - it's still going to court and they stopped pursuing that. It is under the Silt Water Conservancy District.

Linda Dwire – Alan and Linda own the property south of Terri on the south of 259 road and our water supply is down and worried that the septic tanks will leak into their water supplies. What will happen if this contaminates? What happens in 5 years and her well becomes liable.
Chairman Martin – it will be the property owner if you can prove the baseline data and that it happens to be from the septic system, but a court would determine that.
Roger – ISDS – we have to make city and county setbacks to maintain water wells. We have to meet all the qualities and quantities for the County and if not no final plat.
Carolyn – water court case – look for it under West Divide.
Fred – general calculation – surprising minimal – 100 gallons for each person. A low producing well can meet this. Cisterns can be in house or next to the house. Covenants need to be very specific. The Fire Sprinklers will be a plat note as well.
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 of the Preliminary Plan for a 4- lot subdivision with the 14 conditions as provided by staff with one change that the mention of fire sprinkler protection be also mentioned on the plat, and one dog per lot.
In favor: Houpt – aye; McCown – aye; Martin – aye

Continued Executive Session - CR 117 and Cr 125 - Extension of Time
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.
CR 117 and CR 125

Pat Fitzgerald – Asphalt is coming through and very optimistic that we will have the asphalt for the 26th. July 3 is the target date for asphalt. Can't get the oil from Tarco. We will get oil this year.
Yancy said it takes 4 – 5 days to get prepped for the asphalt. They will meet their schedule. He suggested to prep the entire road, prep and prepare. They will mag it if asphalt is not ready.
Pat – discussed at the workshop meeting, where are they on the letter of guarantee.
Yancy – records show over $2.2 million in security.
Today Commissioner McCown said he has a good feeling about this.
Yancy – the time of production at the refinery is the problem.
Commisisoner McCown so moved to have this continued until July 30, 2006 with a meeting on July 17th. Commissioner Houpt seconded.
In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Townsite of Carbonate - Legal Advise/Discussion***

  Tim Thulson, Balcomb and Green submitted a legal opinion and in summation, stated they clearly believe the documentation establishes the continued validity of the lots, block streets and alleys as set forth within Townsite plat. Unlike other ancient subdivision issues presently being faced by the County, the Lots, Blocks, Streets and Alleys where created and conveyed out in accordance with the applicable federal patent acts and Colorado Townsite act implementing the same, which creation provides a separate basis for support of the subdivision of real property at issue here, additional to the plat.

  Further submit that the County, through its years of assessing property by individual Lots and Blocks, selling of the same in this manner at tax sale (1901 – stricken off to and accepted by BOCC), issuance of later tax sale and 1948 Treasurer's Deed described by metes and bounds as "78+acres in Townsite of Carbonate" and acceptance of public roadway dedications through establishment of a road District for roads "in Town of Carbonate" and establishing a mill levy therefore, is effectively stopped to deny existence of legally created Lots and Blocks public streets and alleys.

  Finally, we are unaware of anything existing within the public records or elsewhere that would contradict this conclusion.

  Accordingly, the request is that our pending application for Amended Plat (Carbonate Townsite Lots 28 and 29) b scheduled before the Board of County Commissioners as expeditiously as possible.

Discussion
Chairman Martin stated that the Board had a discussion in reference to the Townsite of Carbonate and it's come to our attention that we need to make some kind of recognization if Carbonate is a Town or isn't a Town. The Board has come to the conclusion that if the Town of Carbonate is there, this is your town and these are your laws. You need to deal with them yourselves if you're the owners of the Town.
Commissioner Houpt – As a Town government.
Commissioner McCown – as a Town.
Chairman Martin – if you wish not to be a Town, then you are a parcel of land of 78 acres and you need to come before the Board of County Commissioners with a subdivision or a Planned Unit Development and these lots no longer exist as a Town. That's our decision.
Commissioner McCown – and we feel we may be talking to the Mayor or the Town Trustee, or …..
Chairman Martin – what it amounts to is that we feel that if you wish to have these lots and prove that these lots existed and transferred ownership, etc. and they're on the original plat site or the Town of Carbonate, they exist because they have been taxed as such and sent tax notices, etc as a lot within a Townsite, therefore it's a town. You decide what you want to do with it. If you decide you don't want to be a Town and that you wish to come in and change things around, then you need to go through the PUD process or a full blown Subdivision and these lots no longer exist as a Townsite lots, they went away because the Town went away and everything on that plat would go away.

Commissioner McCown – so you'd be looking at a 78 acre parcel that you chose to subdivide or you are a Town.
Chairman Martin – you have a town and everything is there and you can do what you want by elected a government. Make your own rules.
Commissioner Houpt – infrastructure, etc.
Tim Thulson – on behalf of Carbonate, Inc., will we get planning review referrals.
Commissioners – yes, absolutely.
Mark Bean – we'll sign an IGA once you incorporate.
Chairman Martin – once you incorporate and you have a standing city council, then we will be refer those to you as well as you need to have an MOU and the understanding with the Forest Service on roads, etc. on access to your Town making sure that everything is still copasetic and you fly your airplanes in or whatever it is that you're going to do as a Town, but if you want to be part of the County, we really you have to come in as a 78 acre parcel and then be developed that way.
Commissioner Houpt – so two very distinct options for you to contemplate.
Tim Thulson – I think the latter would be very tough to do. But we know a lot more than when we started. The County has always recognized it as a Town. We even celebrated our Centennial at the Town of Carbonate because that was the original County Seat.
Tim Thulson – part of our research was trying to read those documents through that glass case.
Chairman Martin – you can get it on the Internet under the website of Garfield County. All those documents are there.
Commissioner McCown – I haven't found anything that convinced me that it went away, that the Town governments if you will, the corporation may have expired and that part of it went away but I'm not seeing an abandonment or nothing that shows that the Town went away.
Chairman Martin – my research tells me that it is a Town.
Commissioner McCown – this gives you an option that you can go back and pursue and if it's so onerous that you can't even deal with it, then it gives you the other option.
Chairman Martin – this would give you a new start and you'd not be merging lot lines, etc. but you have a 78 acre tract that you wish to develop and you have one owner or multiple owners under a partnership, you can sit down and decide how that plat is going to look, submit it and go through the process.
Tom Zancanella, Carbonate, Inc. - do we need to get copies of the Minutes of this meeting or do we do a Resolution?
Commissioner Houpt – well we aren't the body that determines whether it's a Town or not, history determines that. But what we're saying is if you're coming with us with this, you're not coming for County approval, this is a Town and if you want to start with this, then you need go with the research and reincorporate.
Don - they do not believe that County regulations across the board apply to this area that's defined as the Town of Carbonate. So you are not subject to our land use regulations, our building code regulations, or other police code regulations, but you are subject to our mill levies.
Commissioner Houpt - unless Carbonate is not turned back into a Town.
Don – well there's a Declaration in a Court of jurisdiction that you no longer exist – that's really the only entity that can make this determination – a Court.
Chairman Martin – well, you've got that option and we'll recognize you either way.
Tim Thulson – well that takes one avenue completely out, but it his gives us direction and in all truth we had a question on what the scope of your guys jurisdiction.
Commissioner McCown – clearly if you're going to operate under the premise of these existing lots, we would have none, because you would have to recreate yourself as an acting active town and take charge of these lots, if you come in for any kind of land use before the County, I am not going to recognize these lots, but I'm going to be looking at a single parcel of land and you come forward just like you would if you were developing a subdivision in the Roaring Fork Valley and what you wanted to do with his.
Chairman Martin – this opens up quite an avenue for you to explore, plus make history.
Tom Zancanella – they were bonded in the past.
Chairman Martin – and that's what history points to that you're still a Town.
Commissioner McCown – I see nothing that says in fact that that Townsite is not still in existence.
Commissioner Houpt – it doesn't want mean it won't be challenged because we don't determine that, but if you're coming in front of us for approval on development of this piece of property you can't come to us with a Town plat.
Chairman Martin – it would have gone away, at least that's the way the three of us are interpreting it, if the Town went away the plat went away. But if you want to use the plat, you're still a Town.
Chairman Martin – I dug through the history of the county and even book one of the Commissioner Minutes and know the reason Transfer Trail is named Transfer is because the books and papers came from Carbonate to the top of Transfer and down to Glenwood Springs and that was the handover there become Transfer Trail and therefore it's name. There are a lot of things in those old history books over at the Courthouse that everybody should read.
Tim thanked Carolyn for the time she spent.

Contract for Insurance and Request to Waive Insurance on the Fair Book – Impress Contract
Commissioner McCown made a motion that we waive the County being an additional insured on the personal insurance. Chairman Maritn – on the personal liability automobile insurance. Commissioner Houpt – seconded.
In favor: Houpt – aye; Martin – aye; McCown – aye.

Workman's Comp Issue

Carolyn - to change the County's policy and practice under Section 4.10 of the Personnel Code effective January1, 2006 to allow for payment of regular wages pay regular wages by them County in lieu of payment of temporary partial disability payments by the Workman's Compensation Insurer.
Commissioner Houpt so moved. Commissioner McCown seconded.
Commissioner McCown – does the employee have a choice?
Carolyn – no.
Commissioner McCown – all right, are we placing in ourselves in a libelous position now? Bringing up John's question earlier that the Workman's Comp money is tax exempt and if an employee would chose to take those benefits from Workman's Comp they would not have that right.
Don – the argument that we're getting from the Comp folks is that our policy actually violates State Law because you cannot require someone to forego accrued benefits to receive it.
Commissioner McCown – I know what the benefits side and no problem but I'm saying if an employee chooses to take the Workman's Comp benefit at 66 and 2/3rd rather than the full county pay because its tax exempt and you're not going to clear 66 and 2/3rd percent, do they have that choice and I'm hearing no so that's what I'm wondering if we have the ability to dictate.
Commissioner Houpt – the whole purpose of making a decision one way or the other is also to help the logistics of dealing with this issue.
Chairman Martin – it's a bookkeeping nightmare.
Carolyn – the position is that they're getting more than they are due; they are getting 100% instead.
Chairman Martin – wants to stay consistent with State Statutes and we are in conflict at the present
In favor: Houpt - aye Martin - aye McCown – aye
Carolyn – change the policy effective January 1, 2006 and have it retroactive.

Little Britches - 2007
Jesse Smith presented that this was for next year 2007.
Jerry King town last Tuesday and from Montrose where he held his Rocky Mountain Mule Days and announced it would be in Garfield County at the Fairgrounds. Jesse informed him that they would not honor the date and it was Little Britches Rodeo.
Understood the situation that the County was in and had to be a decision to be a benefit of the County and regretted the situation. Bob and Jesse focused on finding him an alternative – Mesa and Eagle County and asked if he used private facilities – huge – started advertising for commercial events – and Jesse took him out and Michele Pifer. Took them out there and met the business person and looked like it would go somewhere – facilities would serve there purposed – 150 but needs it 3 times that much. Garfield County would work with them and if our grand stands weren't' being used we could possible rent it to him.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

JULY 10, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 10, 2006 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
Ed Green announced that former employee Joe Carpenter Sr. died. He requested to send letter to Joe Carpenter Jr. and also send a letter to Desiree Carpenter on the death of her young son.
The Board concurred.

- ***Building and Planning – Request approval for additional position – Mark Bean***

Mark Bean submitted a memorandum and a job description to the Commissioners seeking an Administrative Secretary I for the front office to assist with a variety of routine and complex clerical, secretarial and administrative work in support of the County Building & Planning Department.
Fred Jarman presented. He said he tried to get somebody on board for plan reviews. They are seeking relief for the front office. In the last 2 yrs, they have been brought into the New World Systems. They can realize efficiencies from this. We have a bottleneck that we would like to fix by bringing somebody on in an administrative capacity.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve an administrative secretary for building and planning.
In favor: Houpt - aye Martin - aye McCown aye

- ***Board Members - New Member approval for Grand Valley Cemetery Board***

A letter from Dusty H. Richards was submitted requesting to be appointed to the Grand Valley Cemetery Board due to the resignation of Nola Miller this year.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Dusty H. Richards to the Grand Valley Cemetery Board
In favor: Houpt - aye Martin - aye McCown aye

- ***Road and Bridge Policy Manual – Marvin Stephens***

Marvin Stephens submitted the Road and Bridge Policy Manual and explained the contents. He stated that after the Board has approved the policy manual, each employee would be given a copy for their records.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Road and Bridge Policy Manual

In favor: Houpt - aye Martin -aye McCown aye

- ***Road and Bridge - Purchase Brush Chipper – Marvin Stephens***

Marvin Stephens and Tim Arnett presented the recommended board action with respect to the purchase of the Bandit Model 150 Brush Chipper at a delivered cost of $21,650.00. The award recommendation is to Bandit Industries.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the contract to Bandit industries for a delivered cost of $21,650.00

In favor: Houpt - aye Martin - aye McCown aye

Four Mile Road

Marvin reported on Four Mile Road saying that all roads have been paved and it is getting closer to completion. Dry Hollow Road is also looking good. They are going to do away with dead man's curve.

County Road 108

Marvin gave an update on County Road 108. The project has been postponed while waiting on supplies. There is an alternate road through 109 Road at Aspen Glen. These are benefits for residents only not commerce. CRMS have been advised and everybody is under control. Ed is the contact person on this.

Emergency equipment can use another bridge up the road. Pedestrian crosswalk has been closed off. He would like to put in the pedestrian crosswalk first.

- ***Human Services – Proposed Retirement Benefit Change***

Patsy Hernandez and Judy Osman presented the "what if" scenario #2 requested by the board. They requested direction from the Board.

Discussion was held. Employees with over 10 yrs of service would get an extra 1% in their retirement package.

Judy said that under our current plan the retirement is a mandatory plan.

Commissioner McCown - we are creating a diversified plan. Will this be allowed?

Judy- If it is a mandatory plan yes, if we allow people to opt out, not sure.

Tabled for more information

- ***Building and Planning – Update on Land Use Code Rewrite Progress from the Planning Commission Chairman Phil Vaughan – Mark Bean***

Mark submitted 100 pages of review. There are 20 pages of questions and comments. Philosophy in reviewing this is to do a good and complete job. County planning staff and county attorney staff have spent a lot of time working on this. They have reviewed County, state, and case laws. 14 meetings have been held and over (60hours) on this. 4 meetings schedule to continue working on this. Taking the amount of time to make sure the job gets done right. We are not getting very much public involvement. Plan to have a public meeting. The draft document is not very user friendly and they are trying to get a document that is usable.

Commissioner McCown -Would like the record to reflect that he has not been happy with the timeline, but he is not unhappy with this now. Was not an acceptable document that you started with. He is telling public to be patient and applauds the planning commission on their progress.

Commissioner Houpt really encourages the public to check this out.

- ***Discussion/Direction to staff Re: Kevin Story Grading Permit – Jeff Nelson and Marvin Stephens***

Andy Schwaller and Mark Bean submitted a memorandum to the Board providing the background for storm drainage work done on Mr. Story's property late summer or early fall 2005 in the Sweetwater area.

Direction from the Board was requested since Mr. Roger's concerns were heard on May 1, 2006.

Work was started on June 1, 2006 however other delays have occurred including a rain storm event that required additional restoration work to be done.

The request before the Board is to have direction in two areas (1) Road and Bridge has determined potential damage could be done to CR 150 and also to Mr. Roger's property therefore the design to construct a berm to control a storm event in the dug out gully; and direction on the conditions to the permit as submitted. They are also requesting a timely maintenance schedule to protect the road and surrounding properties.

Discussion: Jeff - was there after the event happened. There are two channels around Mr. Story's property that was impacted. One to the east and one to the west. The contractor was trying to finish the weir but it was not completed yet. A lot of debris came down across the County Road from the west. The one to the east that is being worked on, there was mud across 8-10 ft boulders. Small amount crossed the road. The weir is full of debris and mud. What they did construct for the most part did what it was supposed to do on the east side. The western side just flowed. This came down beside Mr. Story's property. Sediment stayed on different parts of the property.

Marvin - this event did not work. Maintenance has to be ongoing with it or everything will come down on to the County Road.

Andy - has to be timely maintenance.

Commissioner Houpt- what is the completion on this job?
Andy- two weeks since they stopped work.
Mrs. Rivera - Gully to the east now turns towards our property. The smaller gully to the west is not as big of a problem. The other problem is that other culverts on the road have not been kept up. Mud is coming down every time it rains. Has lived there for 19 years. Hoping to hear a better solution.
Before they sealed the road, there was a dip there. When you dip and seal, you raise it up about a foot.
Commissioner McCown- is the water going across the culvert at a different location than it did at the dip.
Mrs. Rivera - it has directed it to a culvert that has always been there, but has changed the direction of the flow.
Commissioner McCown- historically was this Mr. Rogers problem?
Mrs. Rivera- Yes, but not as bad as it is now. Much more a problem now.
Commissioner McCown- where no work had been done, there is a natural blockage of the mud and debris with boulders 8-10 feet tall.
Jeff - now what is in place is a weir to keep debris from shooting across the road.
Marvin - Every storm it is going to change which way it flows-never flows the same way.
Commissioner Houpt- what I am hearing from people who have lived up there for a long time is that it is not that excessive.
Mr. Roger - this was dug in 2005 and still we haven't found a solution to this problem. Story's' are completed eliminated from this problem. Plans from last meeting: **9:26:00** huge difference in the way it is built from one side to the other. If you look at the ditch, there is a pile of rocks on the west side that goes up a little on the east. If you look at the plans and all the requirements on the plan, have these been done? Do we really know if it has been done this way? Every rain that comes, it will have to be cleaned and maintained. The ditch was built in the 1800's before the county road was built. In the older days, there was little or no construction on the north or south side of the road. Culvert has to be dug out frequently. Does not have to be a major rainstorm, just a regular one. His irrigation ditch gets nailed with everything that comes off the hill. Is going to be a major problem maintaining that ditch. Tree branches, manure, horrible smell, mud came down through the Rivera property into the Rogers ditch.
Martin- have you considered piping that ditch?
Rogers- is going to pipe it in several areas. If you look at what is coming down, it is good for me to cover up the ditch in those areas. Andy Schwaller has been an incredible help and the county should be proud. I would like to get formal notifications of the future meeting subjects.
Jeff- these are not done per the drawings.
Carter Page/Gamba - It is not complete. The very top portion of the berm has not been completed. They were ready to pour, but a storm stopped it. Major event in June filled up the berm. The berm works really well. Compaction testing was done. Exceeded the compaction requirements. Ted Kerns - inspector was there on a daily basis. Even though not complete, stopped a lot of debris from coming down onto the County Rd. The East side has been raised and the west side has been lowered. Has not seen the rockwork on the west side, not in the plans. Should be armored on both sides.
Commissioner Houpt- what is the response to the issue raised by the River as that there has been more flowing? Is this going to be a good fix or a partial fix?
Page - not aware of constant flow. But would have went over the county road had the changes not been made.
Commissioner Houpt- the concerns they stated were that even with a minor rain the flow is more noticeable.
Page- not surprised that there is more going towards that culvert. Rocks and debris stacked by the side of the road. There are certain portion that is being redirected. If the county wishes, it would be fairly straightforward to direct that back to a higher point in the road. It is hard to say what these flows will do. Now there is a very well defined channel and it should stay in that channel. The flow did destroy the ditch of Mr. Rogers. Pipe the ditch.
Rogers, I think with the rain we had, the other day, we had mud across the road about 50 feet. There was a car that went off the road that was stuck in the mud.
Mrs. Rivera - Page stated that the county asked them to direct change things so that it now affects the River.
Page- One of the equitable decisions would be to deal with the high point in the road.
Jeff - Mr. Rogers wanted the flow directed towards the west. As for going forward with this and creating a major drainage plan, doesn't believe it is the county's responsibility.
Jim Neu, Leavenworth & Carp - Historically there is a huge drainage problem in this area. Mr. Story messed with the alluvial fan and shouldn't have. Mr. Story is trying to fix it. 90% complete on the project. The thought of putting a major drainage plan on the Story's would be an incredible financial plan.
Chairman Martin-get the project completed.
Jim Neu -Have had several events since this project was started.
Commissioner Houpt - is this ultimate project going to impact one property more than it has in the past? Who are we burdening more? How will we know if this is an appropriate fix?
Jeff – They have been looking at standard engineering practices.
Commissioner Houpt - are they being used appropriately?
Jeff- when you set up a drainage project it is A-Z, but if you leave out J, K, & L …..
Chairman Martin- we have not come up with a final project yet.
Jeff- should address the Riveras problems as well.
Commissioner Houpt-when this is completed, we should sit down and see how this will affect everybody. We need to make sure this is not impacting somebody more than it was before.
Commissioner McCown - it does sound like this has impacted the Riveras, which was not the idea of this. I don't get the impression that the culverts under the county road are the problems**.** Doesn't know if there was a clean out plan. I know that urgency of cleaning that out is important after an event. Does

sound like there is a lot of rock and build able material to use. I think Mr. Story is throwing good money after bad trying to alter Mother Nature. Thinks Mr. Story should have filled the ditch back up. We cannot judge the project until it is complete. If we are solving one person's problem by creating one for somebody else, will not abide by that. We have wasted a lot of the taxpayer's money.

Rivera - this was not a major event, this was a small one that had a very big impact.
Commissioner Houpt-wants to make sure that people are not adversely affected.
Rogers - would love the road people to come out and look at it together. There is so much mud. Is there is something that we can do to do something about the mud and debris?
Story - I would respectfully request that the board come out and look at the property. Before any of the landowners took possession of the property there was something down to the land. A dozer channeled the land. All of the small events have been retained. Historically the flow went straight onto Mr. Rogers's property. He wants the board to do a site visit.
Commissioner Houpt- thinks that would be a good idea.
Story - One other thing to ask, responsible to get rid of all of the debris, should not be responsible for all of it, only a mathematical equation.
Carolyn Dahlgren - this affects the grading permit.
Direction Given:
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to make the completion day be July 30, 2006 and a set of record drawings be submitted and a maintenance plan.
In favor: Houpt -aye Martin -aye McCown aye

- ***Road and Bridge – Discussion/Direction Re: Grand River Park, CR 346 Agreement – Marvin Stephens***

Marvin Stephens and Jake Mall were present.
Alex Schatz with Banks and Gesso, LLC presented a letter and structure agreement for the proposed mining operation for Silt Sand & Gravel, LLC., Grand River Park. In conjunction with the Colorado Division of Minerals and Geology rules and regulations, they are requested to contact the Commissioners and seek acceptance of an agreement that the Silt Sand & Gravel, LLC will compensate Garfield County for any damage done to a permanent man-made structure that the County owns within 200 feet of the affected land caused by the mining operation. Approval and signature of the Chair is the request before the Board today.

COUNTY ATTORNEY UPDATE – DON DEFORD

- ***Oil and Gas – EnCana Fine - Discussion of the Phase II and Phase III Studies – Don DeFord***

Executive Session: Litigation Update; Legal Advice
A motion was made by Commissioner Martin and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner Martin and seconded by Commissioner Houpt to come out of Executive Session; motion carried.

COMMISSIONER REPORT
Commissioner Houpt -
Commissioner McCown –
Chairman Martin -

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers-removed
c. Inter-fund Transfers -removed
d. Changes to Prior Warrant Lists
e. Silt Heights Subdivision – Terry Patrick – Authorize the Chairman to sign the Resolution – Preliminary Plan – Fred Jarman
f. Riverview Ranch Subdivision – Amended Final Plat, authorize the Chairman to sign
g. Rust Property – Resolution of approval for Zone District Amendment from RLUD to ARRD – 335 Village Drive – Rifle, CO – Richard Wheeler
h. "Card Locking Facility SUP" – Resolution – authorize the Chairman to sign

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent agenda removing items b & c, d & h. Motion carried.

Executive Session
A motion was made by Commissioner McCown and Seconded by Commissioner Houpt to go into Executive session. Motion Carried.
A motion was made by Commissioner McCown and Seconded by Commissioner Houpt come out of executive session. Motion Carried
Consent Agenda Items d & h.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a , d-h; motion carried.

Public Meeting
Garfield County Land Value Study-Ford Frick – BBC Research & Consulting out of Denver
Land Values Study

A power point presentation was given showing the Phases in the study. There are two economic studies underway – 1) The Economic Impact Model and 2) the Land Values and Solutions Study

The Land Values Study Project Objective was to demonstrate what factors drive residential land values in Garfield County; document how rural industrialization (gas, gravel, power lines, etc) affects the value of residential property; and offer mitigation strategies for situations where value losses occur. There are three phases to the land values study: 1) Date Collection and Analysis; Phase II – Statistical analysis and conclusions; and Phase III – Solutions and Mitigation Evaluation.

Phase I – Process included assembling a data base of 7,600 sales transaction, assembling gas drilling and industrial data, integrated GIS with Community-Viz mapping software and analyzed data in light of interviews and anecdotal observations.

Phase II – Statistical Analysis was to meeting with comities, reviewed conceptual approach and completed the statistical analysis.

Hedonic Regression Analysis- is a method of explaining demand or prices for a particular good by attaching estimates of value to its component characteristics.

Phase III

Had to break Garfield County into Roaring Fork Valley and Colorado River Valley. Wide variation in property characteristics. Value effects across three key dimensions-property characteristics, size, and time of sale. Sample sizes diminish with multiple variables. Difficult to measure some key factors. All data sets have some inaccuracies.

We can explain influences on property with a reasonable level of accuracy: 76% of value of variation in Roaring Fork Valley. 81% of value variation in Colorado River Valley. Provides a reliable basis for overlaying impacts of gas drilling and other industrial effects.

Industrial Impacts - We tested effects of highways, railroads, gravel pits, power landfills lines and gas drilling. Also tested positive site attributes; vegetation, views, proximity to USFS lands, rivers. Proximity to highways, power lines, landfills, and railroads were not proven to have an impact on values. Proximity to gravel pits, and gas drilling has an apparent, but not statistically significant, impact on property values.

Gas Drilling Data Issues: Gas well permits-5010, operation wells- 2,674: Parcels with operation wells-354: valid single parcel sales of parcels with operational wells- 140: Final Sample "Wells impacts" less than 160 acres- 32.

Ford-Quality of life impact. Loss of value which has to do with institutional risks. Perception of risk.

It is hard to tell mineral rights with out property and title searches. The appreciation of value is because the gas industry is driving the growth.

Commissioner Houpt- as you look at that influence, did you separate that influence with what is going on with the Roaring Fork Value?

Ford-We tried to.

Impacts of Gas Drilling: Properties that experience drilling see a temporary reduction in market value. On average, net residential loss of value of about 16% during drilling and about 8% three years after drilling ceases; includes developed and undeveloped property. When an appraiser looks at a property, then the real problem is that form that they mark hazardous materials on property.

McCown- are appraisers qualified to know what hazardous materials are?

Ford- There is a form that they have to notify of hazardous materials. Some issues are less pronounced then they were a year ago. Appraisers look at the warnings on storage tanks.

Martin-it's the education of the appraisers.

McCown-inability to find a smoking gun on the red line areas. Depends on the type of structure on a property.

Ford-There is no average well size. Some are benign and other present all kinds of problems. Some drilling instances present much more impact than others. There are small site issues.

Gas activity also has countervailing positive impacts. The gas has contributed a large share of the appreciation of properties in the Colorado River valleys attributable to the demands in employment created by the gas industry. All the property lease payments and mineral rights payments that come from this activity, we have certain property owners who told us about how happy they were, they came in and made site improvements, they built roads, they put gavel on roads, and improved some of their access on larger properties. Tax revenue side of this doesn't affect property value but it's a significant benefit of this activity.

Martin – but the assessed valuation based upon mil levy which drives down the cost of housing in residential versus the increase in commercial and industrial – with the Gallagher amendment, etc. there is a benefit unseen there as well because of the taxes on the residential going down every year.

Ford – it's a strange tax assessment process we have in this state that pushes it all onto commercial property over time. It was brought up to us many times that mineral owners have legitimate property rights and right to pursue this and regardless this is the way our laws work. Another point – drilling is not locally regulated in the same manner as things like gravel pits and power lines, highways, etc so operational restrictions are limited and you have much more authority with say gravel pits which can also be demonstrated to have an impact on property values but you can deal with that and say okay, here's what we're going to do to limit that. It's a lot more difficult for you to deal with gas activity because you don't have those same authorities.

McCown- that would be a double edged sword if the little dip in the property value line, if the local government were to impose 8 – 5 operations, that bubble would extend much furthers in months time while that well was being drilled. Whereas under the current regulations by the Oil and Gas Conservation Commission, it's a 24/7 operation and so it narrows the window of that bubble. The rig in the front yard with the lights is the problem and if that rig is there 6-months instead of 1 month, that bubble is going to be deeper.

Ford – also the changing technology drilling also show some promise in limiting the number of wells.

McCown – more wells, fewer sites.
Ford – potentially a much improved drilling rig operation is quieter and has less environmental affect. That may change in the future.
Houpt- it clearly is going in that direction but I think that philosophically there could be a pretty strong debate on whether the quality of life for a person living in the middle of a gas field would have an easier time with a shorter drilling schedule on a daily basis than the 24/7 and whether that would add value to the property.
Ford- this is a kin to having your teeth drilled, would you rather have 3 cavities done in one day or spread them out and having them done once a week with lesser pain over a 3 week period.
McCown – it would be easier to answer that if I were numb. I would want them all done at once.
Ford – our mitigation measure will be the numbing of the citizens of Garfield County. In thinking with our committee about the strategies for softening this effect? Mitigate some of these impacts – the loss of value – the institutional issues, the quality of life issues and the perception of risk by buyers and they made some suggestions about furthering the education and ombudsman role that could go out there particular the institutions. You have an oil and gas liaison and possibly they could take on some of this responsibility in coordination with the drilling companies to get more information out there and get more people on the tour and increase the knowledge of what this gas activity is like and continue to explore this while question of is this real, is there really redlining, who is redlining, how can we talk to them, how can we talk to appraisers as to what constitutes hazardous materials or not, really dig under the surface and find the problem and let's sit down with them and see what we can do about it. On the quality of life side which is all of ancillary activity that goes along, the noise, odors and truck activity and potential safety and environmental issues, you have limited ability to step in here and do much, but you could define and enforce best practices if that's what you believe was necessary and there's been some volunteer ideas put forth and there ways that you could step in and lessen some of these effects and encourage the industry to volunteer and do this with our without the cooperation of Colorado Oil and Gas Commission. On the buyer perception of risk is sort of like the institutional perception of risk, one thing talked about in our committee and former chairman who was a one time enthusiastic proponent was some sort of lending institution for those persons who are forced by circumstances to be selling at this dip, is there some way to do a bridge loan, someway to collectively soften the injustice of a situation that might occur. On the real world that looks like real hard problem to solve. Even though there is a generalized curve that says property values are going to return, I would be the reluctant public sector lender who would go out and rescue a person in a difficult situation and not sure how to define that person. Nice idea but how to think of an institutional solution that would probably pass muster. The real answer would be someone would have to wait it out and that wait shouldn't be too long. Certification of completion of wells – if there was a process of going in when a well was done and there a certification that one received where an appraiser or a realtor could say yes there's a well here and it's operating but it's been certified as being completed and it being certified as being successfully been through a drilling process and there is no none environmental damage associated with it, something that says your risk is not that bad. There has been a 3rd party inspect this and said it has met the standards that are necessary. Not talking about imposing new standards, it's just a certification that it is done.
McCown – with that certification would you expect something to the effect that there will be no more wells drilled at this location? That would take it out of play.
Martin- What is the definition of "done on impact"?
Ford- We are trying to get rid of some of the fear.
Martin- people are always looking for a guarantee that there is no negative impact on a property.
Houpt- But if you soften that perception and you don't also have a qualifier in there saying however, this area could continue to be drilled, then you're misleading the purchaser and the lending institutions.
Ford – in our discussions there was A – if the County were doing this would they be taking on some sort of liability. And then how do explain how this representation is – clearly you're not saying they're not coming back.
Martin – what it the definition of "done" – does that mean it is pumping out gas every day or it is not plugged, abandoned and no longer a claim to someone. What's the definition of done on the impact?
Ford – we are trying to get rid of some of the fear. We don't know who, what and who to turn to and we go to the County and they tell us it's not their responsibility and we don't know we don't want to buy this piece of ground because we don't understand it. If there was some sort of certification it would say it's been through a vigorous process under the supervision of the Oil and Gas Commission and it has reached this stage then at least the buyer would know.
Martin – folks are always looking for a guarantee that there's no negative impact on any purchase and you'll never find a piece of property that doesn't have some kind of negative impact no matter where it is.
Ford- there are real problems but some of it perceptual. The truck activity, the dust and this is a different quality of life that the place that doesn't have that activity.
Martin – there's no guarantee that I'll be able to sell a piece of property once I put it on the market.
Ford – you can also say, when the mineral rights were severed from the property, you don't own that, someone else owns it and this is the reality of your not owning it, now had you purchased those mineral rights then you could solve this problem by not utilizing it.
Martin – only if you had the ability to purchase it, if the federal government retained ownership since the Homestead Act, there is no way you could have purchased that – that's a different issue. So therefore you've always had that potential of impact and should know that.
Ford – in theory when you bought your house you paid less for it because you didn't get the mineral rights with it. In these days that's something in the buyer's mind.
Martin – again, on your disclosure when you do your research, you should see that it has a mineral right tax and if you're paying tax and it's listed, you most likely own your mineral right. But if it's absent from your tax role on your notification, then you don't own the mineral rights and someone else and that's obvious.
Ford – the impacts on the surface owner are real and it's not a black and white simple issue.
Martin – another in reference to rural activity and sales and that was the water right that goes along with the property. In recent times we have seen very beautiful property of agricultural land but the water either dried

up or the rights were sold and there's no more water for that agricultural land, how would that also play if its in the gas fields, has that been accounted for and do those parcels now have the water right that they once had for again for the scenic and agricultural values, and not just the impact of oil and gas development but the lack of water to go along with it.
Ford- we did not put that in the process, other than when a property is sold its value having water is a much clearer understood right, value and so the sale of that property would have reflected that, water or a lack of it.
Martin – with the larger pieces of land that are being split up and made into smaller sections, the water disappears because there is no water to be distributed and therefore the more development, the more dense small parcels have no water. When you try to sell that with no water, does that affect the sale and I think it does tremendously because you bought a 5 acre piece of horse land - you put your fence out, you have your horses there but you can't irrigate and can't grow anything to feed your horses and you put it up for sale because of oil and gas development, not because you have lack of water and I wondered if this type of analysis was used as well.
Ford – the water interplay was not used in this but agrees.
Houpt- did you see a difference in the change in value between raw land and developed land if there was a house on it.
Ford-a good point that one of the realtors brought out, the sample included properties that have no structure, raw land, and then properties that have a structure. Our data set is interspersed about 60% of sales were with structures and 40% were raw land without structures. It's all combination and the point the realtor brought out was so when we have our 16% dip, that's a mixture of properties with house and without a house and it could be argued that the impact on a property with a house is probably more serve than the impact of a piece of raw ground that might be trading hands. It is likely that our value dip is muted because of the presence in the different in raw land and those with structures. In our finalized version of this report, this is highlighted.
Houpt-I am not getting a sense that many people are coming in and purchasing homes that are a part of the oil and gas industry.
Ford- over the last 5 years 65-70% could be attributed to oil and gas employment.
Martin- just oil and gas and industrial portion is assessed at over 2 billion dollars. Garfield County can only access at $710 million.
Smith- Hypothetically, assume there had never been any oil and gas industry in Garfield County?
Ford- you need demand, and demand needs households.
Houpt-Could you look at Eagle County? They are similar to us. We have Aspen and they have Vail.
Ford- We are trying to see what kind of employment growth is here. From New Castle, Rifle, and Silt has a lot of the gas industry and the bigger employer presence although there is this continuing service response to Pitkin County. Glenwood gets the mix and serves a number of places and has the County Seat and have regional services and retail that draws from a large area and then Roaring Fork becomes very Aspen centric.
Martin- Suggested a new study between comparison between Eagle, Pitkin, and Garfield and their aesthetic value, the ski course, etc. and everybody coming in there. But with the beetle infestation and the dying forest, 40 to 60% of the forest going, what is going to be the atheistic value of the next 50 years when all those trees are red and not green anymore and the Aspen is dying because of the other blight that's coming on. What will happen to their economy? Again they have their issue that they will have to worry about which is not gas but it will be red trees. So how will this affect us as well?
Jesse – the question I raised was take the $330,000 sample that he used, what would have been the value of that if no oil and gas had ever existed and that $53,000 increase in value I think came back to about $24,000 increase in value so then if you superimpose that graph over the existing graph, even those properties that had gas activity ended up slightly ahead because of the $53,000 inflation than they would have been if there had been no oil and gas.
Ford – after three years and theoretically the rig was gone and we were in completed mode. If the rig just moved to the neighbor and three more rigs moved into the area, it could be very different. In theory on our model, one would have to say that the depreciation due to employment and household formation associated with the gas industry was a larger effect after three years than the negative affect of having the well on site. After the well was completed.
Ford – yes.
Houpt – unless it was on a haul route, had a multiple pad, a compressor site.
Commissioner McCown suggested he stick around for the affordable housing issue due to the lack of available affordable housing in the County.
Ford – the oil and gas must cause 70% of the problem because they're contributing.
McCown – they are paying 55% of our taxes.
Houpt – so if they are paying our taxes do you do impact fees for affordable housing or does the County get in the business of affordable housing?
Martin – they are helping the State out more – they're accessed at the state level at $2.5 billion dollars in Garfield County alone. We're able to collect $710 million on assessed valuation, the State's doing real well and they are controlling their interest. Their impact has been put down on this County – an unfunded mandate.
The Board appreciated the presentation.
A lot of this information can be used for the socio-economic study and pull those studies together.
Ford – the familiarity with the data base and the Assessor's data and the mapping solutions we were able to come up with and they will transfer very well. He explained that he was toured by impacted individuals and heavy gas activity. Grass Mesa as well as other areas. To go around at night it was very eye-opening.
Martin – suggested Ford go to Fruita and travel County Road 16 north and go up to the first real gas field in the Maralex area and see how those citizens feel and what's happened in the 80's to see if there's an impact on their property values, etc. This is still in Garfield County. The field is still in production but how it affected them then and now and see what changes took place. 8 miles west of Fruita is Garfield County and

there are several hundred wells out in that area. Those people have an opinion that we never hear from similar to the residents at Sweetwater. They have a different take on certain things that the Roaring Fork Valley has or even the Colorado River Valley. When they say one person for every 28 acres is too dense. It's perception.

PUBLIC HEARINGS:
Chairman Martin swore in the speakers.
Mildred Alsdorf presented the following Liquor Licenses for approval:

- ***Liquor License – Rainbow Hospitality, Inc – Transfer of Ownership – Sunlight Mountain Inn***

  Mildred submitted that this was a transfer of ownership and public notice had been given. Rainbow Hospitality is in the name of Pierre and Gretchenn Dubois and they will be running Sunlight Mountain Inn.

  Pierre Dubois had this operation and then sold it but is now taking it back over. Rainbow Hospitality Inc, DBA Sunlight Mountain Inn

  Pierre Dubois - Purchased the Inn in 1997 and operated until 2004. They are a 3rd owner in the property and are leasing back the operation. The bar at the Inn is for the convenience of the guests - not many outside drop-ins. The operation is somewhat limited. Submitted the fees. In licensing the place we should license the entire establishment. Because of the cost we have not done that.

  Chairman Martin- who is the manager?

  Pierre Dubois - Myself.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the liquor license for Rainbow Hospitality Inc.
In favor: Houpt - aye Martin aye- McCown aye

PUBLIC MEETINGS:
BUILDING AND PLANNING: CONSIDER CLARIFICATION OF THE RESOLUTION OF NATURAL GAS COMPRESSORS IN GARFIELD COUNTY - REQUEST IS BY THE COUNTY PLANNING AND LEGAL STAFF
Fred Jarman presented.
The Planning Staff submitted a memorandum to (1) point out significant concerns and ambiguities in the current pipeline regulations and (2) to seek clarification and/or direction from the Board regarding the treatment of compressor stations, which may or may not include an amine gas treatment process.
In July 2005, the Board approved the "Pipeline Regulations" which was an administrative permitting process to review pipelines that meet the criteria. The unclear portion in the regulation is that the currently approved regulation does not define appurtenant or how compressors are to be treated in making the determination of "administrative review" versus "approval by the Commissioners." The two most recent examples of compressors that were permitted by the Board are (EnCana's North Parachute Compressor Station and Orchard Compressor Station).

Staff noted that previously the Colorado Oil and Gas Conservation Commission (COGCC) determined that it pre-empted the local regulations of compressors so the County did not require permits during that time. The rule was reinterpreted by the COGCC and the County was determined to have the authority to regulate compressors.
The request before the Board today is that it appears the County regulates compressors in specific scenarios but not when a pipeline has a compressor associated with it.

Discussion and Direction
The discussion referred to the packet for scenarios and pictures.
Commissioner Houpt- would it be easier to have separate regulation for compressor stations? They have different impacts? It seems strange to treat different scenarios, different.
Fred Jarman-right now, it is an industrial use. It is not texturally in the pipeline regulations. You have seen a lot of these come before you in the industry. Does it make sense to have separate regulations, sure it does. We have people in the county who want to know what the county regulates.
Carolyn Dahlgren-we wouldn't need a new regulation, would we?
Fred Jarman-it would be material handling, not a new regulation.
Commissioner McCown-if you look at the areas of regulation on page 2**, w**e cannot address noise.
Commissioner Houpt- a pipeline is a pipeline and the facilities used to put it in place have a different impact. Has a question on the size of a pipeline – does this matter?
Fred Jarman-no, because we wouldn't no. The large companies know what they have to submit.
There is some stuff in the regulation timing wise. There are tweaks that need to happen.
Commissioner McCown-we have to give a little respect and confidence in the companies to come forth when they need the permits.
Chairman Martin-trying to see something on the list that we don't regulate.
Commissioner Houpt- If they don't come before us, and then we don't know they exist.
Commissioner McCown- Under the material handling does that qualify for a special meeting.
Mark Bean-no, that would be a special use for a public hearing.
Commissioner McCown- Can a county deny a compressor on a pipeline?
Don DeFord-yes
Commissioner McCown- we would have the ability to deny a compressor on a pipeline that we have not had a hearing on, rendering that pipeline unusable.
Don DeFord-as long as you treat them as different uses. There would not be an expectation.
Commissioner McCown-The pipeline could be done as an administrative review and be approved, but the compressor goes through a special use and for some reasons can be denied. Most likely the review could be held up waiting on approval of the special use.

Commissioner Houpt-most don't come before the Board.
Chairman Martin-when they update their station and/or need a larger compressor it does come back.
Commissioner Houpt-why wouldn't you time it so there would be no break in service?
Fred Jarman-you are going to need more and more as the stations grow.
Commissioner McCown-adding each compressor would be a different special use permit.
Commissioner Houpt-not sure if she wants to do administrative review.
Carolyn Dahlgren-does it matter if the gas is processed?
Chairman Martin- it is how the gas is prepared to go to market. Is it over regulation or are we not paying attention to what we should be.
Davis Farrar –citizen, local government is important. When something is regulated by the feds, state or other governments, the local government is left out. Local governmental review should be done.
Chairman Martin- we should have a working relationship and do what is good for the neighborhood.
Commissioner Houpt - COGCC has no interest in regulating
Fred Jarman-should we carry on like we have carried on. And we will come back to you with more research.
Commissioner McCown-Orchard compressor station is switching to electric motors; same with the Una facility.
Fred – an example would be an SUP came before the Board and it was approved for a site plan that showed 5 compressors but they then said we want to go to 10 compressors. That would require a new SUP to come back before the Board.
Commissioner McCown what if they said 10 and only wanted to do one at a time – we could approve it that way. If the industry is listening that's how you would want to apply.
Chairman Martin suggested Fred bring back the information.
Brenda Listern - EnCana oil and gas and the question is about the intent of your administrative review for pipelines. Is that an individual pipeline or is that a cumulative total in a geographical area?
McCown – all of the above.
Brenda – what if we have 10 well connects that are 1,000 feet each, does his require.
Mark – yes. If the cumulative total is equivalent to what would require a permit from the administrative process then it is subject to the regulations. An individual pipeline by itself is built separately then it doesn't meet the requirement.
Brenda – essentially we have to turn in an administrative review for every pipeline that we build in this county?
McCown – if it meets those criteria.
Brenda – that's why the question about the cumulative total because what we're going to build this year is definitely more than 5 miles in length. All the total of our well connects.
McCown – are they all attached? If the Mamm Creek and Orchard Unit are not connected then they wouldn't be contiguous, it would be the area in the Mamm Creek unit and it is defined by a unit it still has to meet that criteria.
Commissioner Houpt – although if you had one that went from one unit to another.
Brenda assured the Board that EnCana has been turning in applications for types of pipelines.

CONSIDER THE REFERRAL FOR A SPECIAL USE PERMIT FOR DALBO, INC. - FRED JARMAN

Fred Jarman presented the project information and staff report regarding the SUP for Dalbo, Inc. In August 2003 the Board approved a SUP for the creation of a storage yard for vacuum trucks and frac tanks, an office and a maintenance shop on the 35 acre parcel approximately 1.25 miles south of CR 319. The request from Dalbo is to amend the existing SUP which includes:

1. Increase size of office from 1040 to 2080 square feet;
2. Construct a covered outdoor parts storage on the east side of the maintenance shop and expend current parts storage to 25 feet x 15 feet'
3. Change the use of the wash bay to a maintenance shop;
4. Build a new truck wash facility;
5. Add an additional 1,000 bbl tank at the tank farm; and
6. Increase the number of trucks stored from 30 to 80 at the site.

Staff Recommendation:
Staff finds that this an amendment to an existing SUP granted by the Board, which was not referred to the Planning Commission when originally reviewed by the County. The proposal appears to double the size of the office, add 50 new vacuum trucks to the operations, and add a new truck wash facility. While these are increases to the existing facility, staff finds no reason to refer the application to the Planning commission as the site is already converted to the existing use with little adverse affect to the existing area. Therefore, staff recommends that the Board direct staff to schedule a public hearing directly before the Board of County Commissioners.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to set this for a public hearing.
In favor: Houpt - aye Martin - aye McCown aye

CONSIDER A REQUEST FOR AN AMENDED FINAL PLAT FOR LOT L-17 OF THE ASPEN GLEN PUD. APPLICANT: KATHLEEN CHELDELIN – RICHARD WHEELER

Richard Wheeler, Carolyn Dahlgren County Attorney, and Larry Green, Attorney were present.

5. Richard included in the text of his staff report a copy of the narrative for this application, which accurately portrays the issues and proposal for the Amended Final Plat.

BACKGROUND AND DESCRPTION OF THE PROPOSAL

6. A building permit and certificate of occupancy has been issued for the residence on lot L17 of Aspen Glen. Staff has not reviewed the original plans submitted for the building permit. It is assumed the applicant submitted plans similar to this proposal and consistent

to the representation made at the time of purchase. Simply put, the applicant is trying to clear up an issue that unfortunately was not completed prior purchasing the property.

7. The Aspen Glen Design Review Committee (DRC) has reviewed the proposed building envelope, drainage and irrigation change. The DRC has stated the proposed changes is 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. That the Applicant affirmatively shall show the amended drainage and irrigation easement aligns with the drainage and irrigation easement on Lot L16.
3. All plat notes from the original Final Plat of Aspen Glen PUD shall be shown or referenced on this amended plat.
4. 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 amended plat with conditions 1-5 with 5 being added stating that "the front setback be changed from 30 foot to 60 foot and on the final plat the building envelope be adjusted to reflect the change."

In favor: Houpt - aye Martin - aye McCown aye

PUBLIC HEARINGS:

CONSIDER THE APPROVAL OF A SPECIAL USE PERMIT FOR "CAMPER PARKS FOR THE PURPOSE OF PROVIDING TEMPORARY QUARTERS TO EMPLOYEES AND CONTRACTORS IN THE ENERGY EXTRACTION INDUSTRIES" LOCATED NORTH AND NORTHEAST OF DEBEQUE OFF OF COUNTY ROADS 204 AND 213. APPLICANT: OXY USA WTP LP – MARK BEAN

Mark Bean, Doug Dennison, Regulatory Coordinator for OXY and Don DeFord Garfield County Attorney were present. (Davis Farrar may also be present)

Carolyn Dahlgren County Attorney 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 – July 10, 2006; Exhibit F Application materials; Exhibit G – Memo from Jim Sears, Emergency Operations Commander, Garfield County Sheriff's Department dated 5-1-2006; Exhibit H – Memo from Jim Rada, Environmental Health Manager, Garfield County Public Health dated May 10, 2006; Exhibit I – Memo from Steve Anthony, Vegetation Management dated April 4, 2006; Exhibit J – Letter from the Town of DeBeque dated May 24, 2006 and Exhibit K – Letter from the Town of DeBeque dated July 2, 2006.

Chairman Martin entered Exhibits A – K into the record.

This is a request for a Special Use Permit for a "Camper Parks for the purpose of providing temporary quarters to employees and contractor the energy extraction industries" practically located approximately 9 to 15 miles north of DeBeque on 10,708.69 acres with access off of CR 204 and 213

DESCRIPTION OF THE PROPOSAL

The Applicant proposes to build 8-10 small camper parks on their property to temporarily house workers working on drill rigs in remote portions of their property. The proposed parks are intended to provide accommodations for the applicants employees working on the drilling rigs located on sites that require a drive of 90 minutes in good weather and much longer in inclement weather. The primary purpose of the proposed parks is to provide accommodations near the work sites to give the employees an alternative to driving the long trips back to their primary residences.

Each of the sites will be graded and graveled and maintained to reduce ponding, rutting, erosion and mud to accommodate no more than 2-4 trailers and housing 3-10 people at a time. Utilities to provide electricity, water and sewer will be available to each site based on accepted engineering and regulatory standards. It is proposed to provide a checklist identifying the various utilities and sources of supplies to meet the needs of each park prior to locating a park on the property.

Potable water will be hauled onto the sites by contract about every 4 days. Each location will have a 3,000-gallon tank to store the water. Each of the tanks will be sanitized prior to use and at least once every 3 months thereafter.

Sewage will be collected in within a vault attached to each unit or a shared vaults a minimum of 1,000 gallon capacity, but less than 2,000 gallons. Depending on the site, multiple trailers may be hooked to a tank, but in no case will more than 2 units be attached to a 1,000 gallon tank. All sewage will be hauled off-site by a licensed contractor on average every 3 days. There may be locations that an ISD system can be located, in which case it will be sized to meet the standards required by the County's ISDS Regulations. Refuse will be kept in receptacles that will prevent health hazards and are bear proofed.

The applicant has developed an emergency response, fire prevention, public safety manual to deal with on site emergency issues. The manual has been provided to the Garfield County Emergency Management Director, Garfield County Local Emergency Planning Committee and the local fire district. The plan provides guidance for conduction emergency response operations arising from accident, fire, explosion and

other natural disasters. In the event of a medical emergency requiring evacuation by helicopter, the applicant has made arrangements with St. Mary's Care Flight to meet that need. Helicopter landing zones have been designated throughout the property.

The applicant proposes to submit a checklist identifying the location of each park, water system, sewage system, fire protection and trash removal/sanitation provisions at least 20 days before the establishment of a park. This will allow the County and other agencies to be on notice of the placement of one of the parks and the opportunity to inspect them.

The applicant owns over 10,000 acres of land with topography typical of the area, with valley floors, steep slopes, talus fields and high plateaus. The proposed camper parks will be located on top of the plateau areas in locations near or on site with their drilling sites. The site contains the Conn Creek Treatment facility and several primitive cabins used by ranchers during the summer grazing season.

The proposed camper parks will be served by water hauled onto the site and stored in holding tanks that will allow the water to be distributed to the proposed camper units or in storage tanks attached to each unit. The water supplied will meet the Colorado Department of Public Health and Environment standards for public water supplies. The water haulers will be licensed contractors. The water storage tanks will be a minimum of 3,000 gallons, which should be sufficient to provide at least 100 gallons/day to each trailer for a week. This is based upon a CDPHE standard for mobile home parks according to the application.

Sewage will be stored in self contained units attached to each unit or a shared vault Each vault will be a minimum of 1,000 gallon capacity, but not more than 2,000 gallons. A vault is subject to the approval of the "Local Board of Health", prior to installation. To be approved, a vault must meet the following standard:

Vault: A vault, if permitted by the local board of health, shall have a minimum 1000-gallon effective capacity and may be permitted under limited use occupancy for water carriage sewage systems on property which cannot accommodate a sewage treatment system. A signal device shall be installed to indicate when pumping is necessary.

Any approval of the proposed Special Use Permit will need to have a condition of approval addressing the use of vaults for sewage disposal. There may be sites that the applicant will use an ISDS, which can be permitted by the Building and Planning Department. Staff would suggest that any ISDS used for this purpose be an engineered system.

The existing access to the property is County Roads 204 and 213 . Proposed traffic generated to the site is existing traffic associated with the applicant's drilling activity on the property. The proposed camper parks should generate a net reduction in the amount of daily traffic to the sites. This does not represent any measurable impact on the County road system.

The applicant proposes to locate all parks "as far as possible from the exterior boundaries of our acreage, but still allow efficient and safe access to drilling operations. Given the large acreage involved and the remote nature of the locations, there should be minimal, if any at all, impacts to adjacent property. Access to the proposed camper parks is via private roads to CR 204 and 213. A proposed site plan has been included in the application showing the proposed layout of a proposed park. There are no commercial facilities or service buildings proposed as a part of any of the camper parks. Access to the camper spaces will be from the road system on the property. No tent camping is proposed for this property.

Access to each camper space will be directly off of a roadway serving a well site or a park site that is tied to the road system providing access to all of the drill sites and other facilities on the property. The application states that the typical roadway widths will be 25-30 feet.

The applicant is proposing to have water hauled onto the site and stored in either a common water vault or individual units on each camper unit. There will be 2-4 trailers housing 3-10 people at each site. The proposed water system will consist of a minimum of 3,000 gallons of storage. Which the applicant cites a CDPHE Mobile Home Park water standard of 100 gal/day to each trailer for one week. Staff cannot find this standard in any of the CDPHE regulations. The CDPHE Mobile Home regulations do require that the sewer system must be able to handle a minimum of 300 gpd per unit of sewage flow. The State's labor camp regs say 35 gallons/person/day for water supply. At a minimum, it appears that the State's Labor camp criteria needs to be used as a basis, which would translate into 105 gal./day for each unit, assuming a maximum of three persons to a unit. This is very close to the previously noted 100 gal./day per trailer/ week. A weeks worth of water would range from 1470 gallons to 2840 gallons for 2-4 units at a site. Based on this calculation, it appears that the proposed minimum 3000-gallon storage would be adequate.

Since there are no real standards for water usage in this situation, staff is suggesting that the applicant monitor the number of employee nights at each facility and the water usage and sewage hauling for each facility. And that a report be prepared with those numbers and submitted to the County Planning and Environmental Health Departments on a monthly basis.

The applicant has established an Employee Emergency Response/Fire Prevention/Public Safety Manual to deal with fire and other emergency situations.

The applicants propose to have one or more approved extinguishers of Class ABC will be located in an open station within a maximum of 100 ft. If deemed appropriate, a water storage tank for fire protection can be provided. The applicant is willing have an all weather hose attached to the water storage tank if such a tank is required.

Due to the remote locations and lack of service to the areas proposed to have camper parks, it will be necessary to use generators to provide electricity to the site. The generators may be a part of each unit or there may be a central generator for the park. The generators will use gas, which will be supplied by the applicant's supply contractors. All electrical connections will be in compliance with the County and State electrical requirements.

The applicant will manage all of the proposed parks. Personnel will be assigned to perform regular inspections of each location to insure that the locations are clean, orderly and sanitary. There will also be security and safety contractor personnel employed by the applicant that will include in their responsibilities visiting each camper park on a regular basis to observe fro any safety and /or sanitation issues.

Comments from the Town of DeBeque and the Sheriff's Department noted that there are issues regarding the provision of law enforcement and emergency services that need to be resolved, prior to the approval of any SUP. The Town of De Beque has requested that the County and the Town enter into an intergovernmental agreement for police and emergency services. This is an issue that needs to be dealt with separately from the permit, as the applicant cannot negotiate this agreement.

The applicant has responded to those comments with the following:

- The applicant will provide maps and GPS coordinates for all camper park locations, helicopter landing zones and sources of water for fire fighting to the Garfield County Sheriff's Office and local emergency response agencies. Every camper park will be assigned a unique name and will be identified on maps as such.
- The applicant has contracted a professional-security firm to provide 24-7 security coverage for all of its operations. This firm mans vehicle check-points at the entrances to the applicant's property where all vehicles and personnel entering the property are registered to insure that only authorized personnel gain access. Vehicles and personnel are also required to stop when exiting the property so that an accurate count and identification of personnel present on the property will always be available in the event of an emergency. A vehicle identification system has also been implemented to provide a means for identifying vehicles that may be driving carelessly, etc. In addition, all employees and contractors have been notified that security personnel may search their vehicles for prohibited items, such as weapons, alcohol and drugs. This firm also will utilize dogs trained to detect drugs and explosives that will be used for random searches of vehicles, trailers, and other equipment. The firm also provides mobile personnel who travel throughout the applicant's property at all times.
- All personnel accessing the more remote portions of the applicant's property are provided a card containing the information shown in Exhibit A, attached to this Response, to maintain awareness of safety and emergency response issues.
- At the security check-points, maps of all the applicant's drilling and camper park locations are maintained to aid in providing directions to emergency personnel. The security personnel will also be provided with the GPS coordinates for all such facilities to assist in locating emergencies. All of the security personnel are in radio contact, and the mobile personnel will be familiar with all of the applicant's operations and can escort emergency personnel to the appropriate locations.
- THE APPLICANT and contractor personnel will continue to receive training by St. Mary's CareFlight in the proper methods for establishing helicopter landing zones. The next such training is scheduled for July 20, 2006. Security personnel assigned to the applicant's property will also receive this training and will be familiar with the locations of the established landing zones.
- At a minimum, the security personnel assigned to the applicant's property are trained in First Aid and CPR and can provide assistance during medical emergencies until emergency response personnel arrive on site. All the applicant's employees are also required to have completed training in First Aid and CPR.
- Although security personnel are not armed and have been instructed to not intervene in any serious altercations, these personnel have the ability to monitor and possibly diffuse any such situations until law-enforcement personnel arrive on scene.
- A summer intern who is majoring in fire protection toured all of the applicant's operations with the Chief of the DeBeque Fire District on June 6, 2006 specifically looking at wildfire potential and devising plans for responding to such fires (e.g., locating sources of water, ingress/egress routes, etc.). The result of this tour will be the preparation of a wildland fire response plan, and all the applicant and contractor personnel will be trained in this plan. The Fire District Chief confirmed that all potential locations for camper parks are located within the DeBeque Fire District.
- The applicant will coordinate with other operators working in the same area to insure that ingress and egress during emergencies can utilize all available access routes, regardless of the ownership of those routes.

STAFF RECOMMENDATION

Staff recommends that the Board **approve** the Special Use Permit for "Camper Park for the purpose of providing temporary quarters to employees and contractor the energy extraction industries" for THE APPLICANT USA WTP with the following conditions:

11. 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.
12. That the operation of the facilities be done in accordance with all applicable federal, state, and local regulations governing the operation of this type of facility.
13. At least 20 days before the placement of a camper park on the property, the applicant shall provide a copy of the proposed checklist to the County Planning Department, Health Department, Sheriff's Department, Town of De Beque and the De Beque Fire Department.

14. That the applicant shall comply with the fire protection provisions included in the rules and regulations of the National Fire Code as the Code pertains to the operation of this facility.
15. The issuance of the SUP shall be subject to the monitoring on a monthly basis the number of occupants of each camper park site, the amount of domestic water used at each park and the amount of sewage effluent pumped from vaults at each park. If it is determined that the amount of water used exceeds the projected amounts in the application, the applicant shall provide plans for review by the health department and if necessary the state health department2:43:00
16. That these facilities are for the sole use of the applicant and their subcontractors. If any other entities are to be added as users, then they would be subject to an additional SUP
17. That all out-of-state vehicles and equipment associated with the operation of the facility be properly licensed within Garfield County.
18. Prior to the placement of any camper park in an area not regulated by COGCC regulations regarding reclamation and vegetation, 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.
    - E. The applicant shall provide a Weed Management Plan for the inventoried noxious weeds. Weed management should occur prior to soil disturbance.
    - F. The applicant shall augment the site reclamation plan by providing a plant material list and planting schedule for the reclamation.
    - G. The applicant shall provide a Mosquito Management Plan that will address how they intend to monitor and manage this site for mosquitoes.
19. Any sewage vault shall have a minimum 1000 gallon effective capacity and have a signal device installed to indicate when pumping is necessary.

The Town of DeBeque has requested an intergovernmental agreement between the town and the county.
Commissioner Houpt- this seems to refer to location of services and the need for additional resources.
Don DeFord, the commissioners need to communicate with the sheriff before we commit to an IGA.
Commissioner Houpt-do you see any concern with us moving forward with approving or not before and IGA is in effect?
Don DeFord- the short answer is there are different processes.
Chairman Martin-their sheriff has outlined in 1-5
Commissioner Houpt-is it preferable to have an ISDS or it…
Mark Bean-they have tried to address this with the individual vaults.
Commissioner McCown-are the vaults size with the amount of consumptive use that they would be theoretically out of water.
Chairman Martin-Need to look at it economically-ISDS would be cheaper.$4-5,000 up and running.
Commissioner Houpt- Are there going to be laundry facilities?
Mark Bean-No
Commissioner McCown-we are permitting this as a mobile home park.
Mark Bean-all conditions are based on approval. The statements are in the application. This application is not that cumbersome.
Commissioner Houpt-concern about approving a blanket application for 8-10 sites is not knowing where they are going to be.
Mark Bean- they will be providing at least 20 days in advance.
Commissioner Houpt-what if concerns are not met?
Mark Bean-then we would deny the permit.
Doug Dennison-the location issue is hard to pin down because we don't know the drilling location from one season to the next. We have tried to limit the activity and location to try to stay away from others. We want all of the conditions to be met that came out of the special use permit. We will inspect monthly the campsite and keep that documentation. In regard to DeBeque's concerns, we are very sensitive to that. We know they will be the first to respond to an emergency and donate to keep their office open.
Mildred - will you make sure all vehicles on this property to be licensed in Garfield County.
Dennison-Yes
Carolyn Dahlgren-agrees with Mark that this application is much easier to go through. Has problem with condition #5 because it does not say who would do the monitoring.
Mark Bean-applicant will be doing the monthly monitoring.
Carolyn Dahlgren-if there is any type of problem with the property then it would come back to the BOCC.
Commissioner Houpt-new process, would it help if we put in a 12 month review of what is in place?
Mark Bean-we will not be able to go in and verify amounts of sewage and water and will have to rely on the applicant.
Carolyn Dahlgren-if you want the review it has to be in the motion today.
Commissioner Houpt would support the idea of reviews. This is the first time for something like this. Wants Oxy to continue to be sensitive to the impact they will have.
Doug Dennison-on location, every location that would be utilized this summer has been cleared for a drill site.
Commissioner Houpt- are there interior locations?
Doug Dennison- will not say all of them are.
Commissioner Houpt-how did you come up with 8-10 sites?
Doug Dennison-we asked which of our contractors would need them.
Mark Bean- they would use a park, clean it up and move to another site.
Commissioner Houpt-then you would have all of these abandoned sites.
Mark Bean-then they would be reclaimed.

Commissioner Houpt- would like to see how this works. It is opening up a whole new notion of having roving camper parks into these areas and wants to know how it will do with reclamation.
Chairman Martin-they are using there own land not public property.
Commissioner Houpt-wants the 1 year review. We are setting precedents for future locations.
Davis Farrar-we have talked about an IGA. My understanding is that our marshal has been deputized that allows them to perform services for Garfield County. Would agree that they need the IGA. Oxy does contribute to the fire department in DeBeque. As I understand as I look at the county regulations, there is nothing that allows the county the right to approve these locations. Needs to have something that allows that.
Chairman Martin-this is the first application for this type of situation.
Davis Farrar-says there are many camper parks up there now, related to Nabors Well Service. Thinks it is important to the town of DeBeque that we know what is up there permitted.
Doug Dennison-we are here because we were cited last year for this and are trying to do things legally.
Mark Bean-there are other companies up there with essential personnel who are there 24/7 with their own campers.
Davis Farrar -Town of DeBeque wants to go on the record that they support the approach. Clear that there would be no more that 10 camper parks on their acres at any given time.
Commissioner McCown-considering the new road, will the Logan Wash Road be the quickest way up there or will it be the PDC road?
Doug Dennison-it would probably be shorter to use the new road.
Mark Bean – I would also like to see one issue addressed that was not in the staff report was a recommended condition that they are proposing and developing a wildland fire protection response plan and would like to see that in hand and in place with the appropriate agencies as well as our files prior to issuance of the permit. Jesse suggested in terms of the recording that they provide receipts not only of water and sewer brought in but also receipts of where the disposal occurred.
Commissioner Houpt-do you want that as a condition to have the wildland response plan in place.
Mark Bean-Yes, a staff suggestion as well as the other item.
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 special use permit for a camper park with the purpose of providing temporary quarters to employees and contractors for energy extraction industries with the conditions presented by staff amending number three to say "that staff shall be granted the authority to rule on the locations of both sites", changing number five to add "that review by the Health Department and the State Health Department Regulations be met"; number ten, "wildland fire protection plan shall be in place prior to the approval"; and number eleven, "an annual review will be in place for the first year to check the pudding" – a one time review and if need be we can implement it at that time.
In favor: Houpt -aye Martin -aye McCown aye

CONSIDER A SPECIAL USE PERMIT REQUST FOR A DUPLEX. APPLICANT: ERIC AND SHARI SCHOON – FRED JARMAN
Fred Jarman, Carolyn Dahlgren, County Attorney and Susan Schoon were present.
Carolyn Dahlgren, County Attorney, 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; Exhibit E – Staff Report dated July 10, 2006.
Chairman Martin entered exhibits A – E into the record.
Fred stated that this is a request for a Special Use Permit for a Two-Family Dwelling n the ARRD zone district located on Lot 25 of Cerise Ranch, east of Carbondale on SH 82 on 4.29 acres.
The applicant proposes to construct a single-family dwelling with an attached garage and would like to convert the upper story of the garage into a separate apartment. This unit functions exactly like an Accessory Dwelling, but it is treated by the land use code as a duplex.
The County allows a duplex on the lots having at least 4 acres as a special use in the ARRD zone district.
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 0238 Bluestem Court, Garfield County with the following recommendations:

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. All lighting associated with the property shall be directed inward and downward towards the interior of the building.
3. The dwelling unit proposed above the garage shall not be sold separately from the main single-family dwelling separately from the property.
4. 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 requested to submit a new permit application to the County addressing the changes.

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 request for a two family dwelling with the conditions listed.
In favor: Houpt -aye Martin -aye McCown aye

Affordable Housing Work Session
Geneva Powell, Garfield County Housing Authority
Geneva referred to the packet submitted for background information.
What are we doing that might drive the cost of housing up? We took a hard look at ourselves and that is in our report. We have kicked this around over the last couple months.
New Castle's new development, seen as you drive down I-70, it's a good size project in the New Castle municipal boundary, the first two building that each have16 units were pre sold before they broke ground at $190.00 per square foot. Basalt entered the million dollar club a couple months ago and the average cost of a home is exceeding $1 million dollars. A couple of people who were renting in Rifle have moved to Glenwood because Glenwood is now cheaper than Rifle to rent. There are 8 remaining units to be built in Rifle Deerfield Park, their new urban development, not as dense and crowded as Cardiff Glen, its north of town behind Kentucky Fried Chicken and they have 27 people on the waiting list for those. Interesting and in talking to realtors if you look at the list of who is purchasing the new units in Glenwood, Silt and Rifle, a lot of those people are coming from Basalt and Aspen. There is some recognition on the part of people with financial resources here that there is a boom happening in their backyard and they are cashing in on it. So, in addition to the pressures that is being put on our housing stock through new employment being generated. We have a fairly complex set of factors that we're looking to deal with. There are two strong subsets of issues here and while they are all affordable housing, it's been helpful to break it down into that set of issues that relate units for purchase and the ability to get into home ownership as one set of issues and the other is in rental units. The category of rental units and the lack of the stream for bringing rental units on line in this County now. In some cases we have communities who are not welcoming an application to provide rental units. If you look at the projections of jobs we are creating, not more than about half of that workforce will ever be able to consider buying a home. Therefore, we are looking for a set of solutions to the problem of affordable housing. Need to be aware and supportive of solutions to this problem. Policy strategies to what are neighbors are doing. Talking about percentages makes no sense unless it is culpable with who you are talking about. They are looking at the initial recommendations.
Commissioner McCown- are you taking us towards what you would like to see an unincorporated Garfield County do or are you looking at the municipalities? Example - Mobile home parks were not mentioned in these reports.
Commissioner Houpt- there seems to be this shift in affordable housing. The municipalities have been players for years. There is a place for County involvement. They could be in a municipality partnered with the county or a developer. We are looking for some advice or some direction on which way to go next. Part of the zoning template is for mobile home parks.
Commissioner McCown said he has been a Commissioner for 10 years and has never seen an application for a mobile home park.
Chairman Martin-we need to encourage the building of rental units. We are not precluding mobile home parks. Whether it is a low-end rental unit or a mobile home park, we need the rentals.
Commissioner Houpt-as we go through this discussion, we need to look at all of our options. There is room in this for deed-restricted housing. There was a time when low-income housing meant the poor, the elderly, or people who are disabled. Now it is also meaning middle-income families.
Geneva Powell-has looked at land use code and the codes for low-income housing.
Chairman Martin-1998 looked at affordable housing; we can't continue to study this because something needs to be done now.
Commissioner McCown-this is all aimed toward the developers and they are not the only players.
Randy-we need to be looking at a whole stretch of strategies.
Commissioner Houpt-we are going to move forward and get into the business of affordable housing, we need to bring in the private sector and builders who will be impacted by this and recognize that we cannot do this on our own. We are talking about all levels of affordable housing; we need to recognize that there are different approaches to that. We need to look at immediate needs. Move forward with a planning strategy and see what we can put in place for the long haul. Look at projects that we can move forward with. There is a project in Glenwood Springs that has been approved and we may be able get involved with. We need to figure out how we best fit into this scenario. If we can move that quickly, let's see what it looks likes to see all these stakeholders at the table. Let's see if we can get it on the agenda for next week if we are really interested in getting this done.
Chairman Martin- he has been in contact with people and let's get it going.
Commissioner Houpt- we need parallel planning.
Chairman Martin- we have committees with studies that go back and forth and suggested we stop all the studies and just get it going.
Randy-we need to look at jump starting something immediately. If I am hearing you correctly, it is okay to look at strategies while we are moving forward with this.
Commissioner Houpt- we have to. That is the long term planning thing I was talking about. I am also talking about a specific meeting with the Meadows on next week's agenda.
Commissioner McCown-was that a condition of approval for the Meadows?
McGregor-that is not a condition of rental. You cannot deed restrict rental houses. No way is it part of our approval process.
Commissioner McCown-would that preclude those houses being turned over to the housing authority?
McGregor-there will be no apartments there. This has been a 2 year $25 million project.
Chairman Martin- we are encouraging people to talk and get together on this.
McGregor & Martin agree this has to be a joint effort.

Ken Bolton-trying to satisfy our 30-unit requirement. We have discussed this with Geneva. We would like to conduct pre sells on the unit before we build the unit. What do you do if you build a house, advertise it, and then nobody buys it? Possibly selling it for what you have it in.
Commissioner Houpt-are you having problems selling deed restricted homes?
Geneva-not in the county, but in Glenwood Springs, yes.
Gosden-what you are trying to accomplish is very valid. The difference between us and everybody else is that we started houses for $289,000 that sold for $359,000. We produced 20 lots of for sale housing. If we put them up for sale, will people buy them?
Commissioner Houpt-if they chose a lower commute, people will buy the houses.
Chairman Martin-need to form a sense of community, which is where the rental units come in.
Commissioner McCown-what would this do to the management of these units if we allowed this?
Mark Bean-would people put their name in an auction, if it was going to be 3-4 months before it would be built?
Geneva-does not keep a waiting list. We always have people interested.
Commissioner McCown-how long will it take to see if it will work?
Geneva-we need to have a projected date for how long we will take applications, after we take them ½ way through this process will they still sign on the dotted line.
Chairman Martin-look at the record number of the foreclosures from the treasurer's office.
Geneva-in a foreclosure, the housing authority would want to be first in line to buy the property back. One of things we like in a perfect world is that we would like to have the funding to buy the houses from the developers and get them in the homes so that the developers would not be sitting.
Larry Green-how much would you need?
Chairman Martin-we need to see what we need to get this going, and what kind of funding we would need.
Geneva-we are looking at about $500,000 to get us going.
Commissioner McCown- do we anticipate all 20 hitting the market at the same time?
Godson-we can get them out as you need them.
Commissioner Houpt-would it be better if we can get some seed money going; would it make sense to buy those houses down?
Geneva- It doesn't work if there is a big gap between the deed restricted and the value of the house. Glenwood Springs cost less but the income is less.
Bolton-if you reform the affordable housing regulations and guidelines whether you can put a catchall will be to be done under the new guidelines. Example, if you have a project that is getting into it like Ironbridge.
Commissioner Houpt-there isn't a big enough difference in your deed restricted home and your free market home. Mark have we had to deal with this before?
Mark Bean - no, we are too new at this.
Bolton, we are thinking about a linkage program for rental units.
Chairman Martin-we need to make a step to get the ball rolling.
Geneva-if you take them through and they don't sell the first time, then ….
Commissioner Houpt- you would be comfortable with pre sell.
Geneva-has to go with the affordable housing guidelines.
Randy-we are looking for feedback from you on whether we should kick these ideas around.
Geneva-do we trade one deed restricted house for one free sale
Commissioner McCown-let's realize when you talk about an affordable house, you need to think about where you are or who you are talking about.
Chairman Martin-we'll have to make some amendments.
Randy –I am fine with needing to jumpstart this.
Geneva-I looked at housing studies and thought about different options. We have to look at the regulations that we already have and we need to change those and amend those to fix this problem.
Commissioner Houpt-as we look at affordable housing-I would like to tear down the boundaries between county and municipalities. We are going to have Inclusionary guidelines and zoning or get creative and see if the municipalities will partner and we can waive those fees.
Geneva-wants the County to partner with the municipalities. You can't impose your will on Rifle or Carbondale, but you can partner with them.
Commissioner Houpt-it is not imposing anything.
Chairman Martin- suggested to put this aside until next week.

CONSIDER A LETTER TO THE US FOREST SERVICE FROM THE BOARD OF COUNTY COMMISSIONERS CONCERNING ROADLESS AREA PLAN – FRED JARMAN

Fred Jarman submitted a memorandum to the board including a draft letter of response to the US Forest Service DEIS for Roadless Area Conservation. Fred stated that a copy of the DEIS was not available therefore making it difficult to review and provide comments. Staff does have a map prepared by Rob Hykys showing the county road system overlaying the Forest Service map.
The request of the Board today is for direction regarding the issues that need to be included in any letter sent to the US Forest Service
Discussion was held.
Commissioner Houpt-is this for the task force?
Chairman Martin-this is only for the task force.
Commissioner McCown-the roadless area designation it will cause some problem with the use of motorized vehicles on those roads.
Commissioner Houpt-not to my understanding.
Maps were put out 4 years ago.
Chairman Martin- we need to make sure we have a clear understanding of what this means. We are out of the loop of information and we need to be in the brunt of it.

Direction to staff: Wants Building & Planning to check out the municipalities on why they support each area and if they know where each area is and what they based their decisions on. Get the information gathered by July 31st for a special meeting.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

JULY 17, 2006
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 17, 2006 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

Mildred submitted a letter to the Commissioners requesting approval of combining the precincts into 9 Polling Places for the Primary Election August 8, 2006. She explained the benefits in having the combined polling places versus the 27 precincts. This allows for fewer judges. The regulations allow her to combine the precincts not only for the primary but for the general election as well. She informed the Board that by 2008 we will more than likely have voting center where you can live anywhere in the County and go to any voting center to cast your ballot.

Mildred explained that she will be pushing absentee ballots or early voting. She will have two early voting locations set up in Rifle and Glenwood from July 31 – August 4. For the general election she will really push absentee ballots because there is going to be a number of State issues as well as local issues on the ballot.

Dave Force – plead his case before the Commissioners requesting to have his Board of Equalization hearing regarding property taxes before the date set to hear these. He will be leaving town on July 20 and requested to have his hearing before that date.

Shannon Hurst was present.

Don – appeals don't end until the 15th of July. Perimeters until August 4 – have to complete the hearings. Board has discretion but can't do it beyond the 4th of August. The Board can do it now and between the 28th. The options are to issue a written statement and should the Board rule in the favor of the Assessor, Dave can file a written position statement and then go to the Board of Appeals if unsatisfied.

After discussion, a date was set for 8:00 a.m. on the 20th of July.

Relay for Life

Ed reported the Relay for Life completed 325 laps and over 83 miles in 2006. Next year they plan to have two teams. This year they raised $75,000 and asked the Commissioners to approve the $1.00 per lap for a total of $325.

Commissioner McCown so moved; Commissioner Houpt seconded.

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

COUNTY MANAGER UPDATE – ED GREEN

- ***Auditor Presentation of 2005 Financial Reports***

McMahan and Associates, LLC provided the report dated March 17, 2006. Paul Baca and Beth Williams were present.

Paul walked the Board through the audit and said essentially the audit process is involved for several purposes and this is a type of evidence that a 3rd party is looking at the operations of the County. They meet with as many of the departments as possible and the other smaller departments are rotated.

The financial status of the County, C5 shows everything collected $49,054,166 and

The report shows that the County has been very prudent in their financial management.

Oil and Gas Revenues

The treasurer has collected about $230,000 in oil and gas money that they are not certain where it should go.

Ed stated this was like $25 here and $50 there that's under the road and they send us a check for and we'll be accumulating that for years and years.

Chairman Martin – we do not accept it any more in reference to royalties that are underneath the roads. The board made a decision not to accept those – these are unclaimed royalties that no one has levied a claim against that the Treasurer is holding.

Don – we have talked about this in the past and the Board hasn't given direction on whether or not you want to take the risk and go forward and utilize those funds after notice and if the Board wants to give notice and see if there are any claims against those funds or how they want to proceed. It's been probably more than a year now since we've discussed this last.

Commissioner McCown made a motion that we give notice and move forward on the expenditure of these funds. Commissioner Houpt – seconded.

The auditor stated they would encourage this.

Commissioner Houpt would like to see this money go to a specific project like the air quality project, something connected with oil and gas activity.

Chairman Martin – this money would go to the general fund and request for budgetary issues would come out of that fund.
Don – premature on how to use it. There may be some claims against these funds.
Commissioner Houpt – wanted to go on record on any money that's maintained then it's appropriate to use those funds for those activities.
In favor: Houpt – aye; Martin – aye; McCown
Fair - Jesse reported that the Commissioners have approved new By-Laws for the Steering Committee and are now under the control of the Treasurer.
Inmate Welfare Account of the Sheriff – reported internally and works with Sheriff and on how this gets reported.
Additional outstanding checks the Treasurer needed to write off and she has done that now.
New World System – Commissioner Minutes
Change in the process – actually gone entirely paperless – scanned in all Minutes and it was a big project and can see benefits in a more efficient audit in the future.
The Commissioners commented that this is very good news and the firm were thanked. ***Additional staff position – Guy Meyer***
Guy Meyer submitted the justification to increase an additional Case Manager to oversee the increased number of offenders. This would be a new position with an hourly wage of $19.82 for a total cost in 2006 of $27,748.
Facility opens in March and it takes a lot of training and we'll be full in 62 beds when we move.
Martin – the program has paid for itself and returned money to the budget.
Guy said they are taking a long range approach.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the position and authorize the recruitment and hiring of the position.
In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Retirement Plan Changes – Judy Osman***

Judy Osman presented the plan and a booklet was submitted with the proposed changes. Ed mentioned meeting with the EPIC committee and they agreed to have the one opportunity and would like the chance to take advantage of.
Participation from 30 to 20 hours. The next one is if you participate in the plan, you're not eligible - after 5 years – goes to the employee. The change would be that the participate would no longer continue to vest and the money would working less hours than the 20. She addressed the concerns of the retirement people when looking at the plan.
The other thing is currently we do not allow participant loans – she recommended not making loans and the paper work is and COHERA also recommends no. She has dealt with this in other companies and if people were on leave and didn't come back then they would default – means a lot of extra paper work. The 6% option after 10 years on retirement benefits is a one time to opt out of the plan and out of the 6% and could determine to stay at 5%.
Patsy on the loan program. If this is something the Board would want them to do, it would be another level of financial responsibility. They would seek training and do it correctly.
Judy addressed the 6-month proposed waiting period for retirement benefits. This option had been discussed about eliminating the wait period due to hiring and believes it to be a good recruitment tool to have people eligible to participate on their first day of employment.
Commissioner McCown made a motion that we adopt a plan where you must work 30 hours or more to quality for the retirement over 10 years it would graduate to 6% and that we do not allow a loan process in our retirement. Commissioner Houpt asked if the number 2 option would be in there.
Commissioner McCown – they would have to work 30 hours in order to qualify for any of it.
Commissioner Houpt – I would support not adopting the change that was presented and seconded.
Patsy – for the employees who currently work between 20 and 30 hours who are currently eligible would they be grandfathered into the program?
Commissioner McCown – to date, but once this becomes official they would not longer be drawing. It's got to be one way or the other Patsy.
Patsy – so if I work 22 hours a week, then I would no longer be eligible at this point this is implemented, I will no longer be eligible for our retirement plan.
Commissioner Houpt – you'll have in place what's there, but there's no further growth.
Commissioner McCown – that percent of vesting would still be there but you'd no longer be eligible.
Don – in terms of the effective date.
Commissioner McCown – 1st payroll period in 2007 is when this is effective.
In favor: Houpt – aye; McCown – aye; Martin – aye

- ***Belly Dump and Tractor Rental – Marvin Stephens***

Marvin and Tim presented the recommended board action to award competitive sealed bid to Knupp LLC to provide ten belly dumps with drivers to haul 15,807 tons of gravel at a cost of $103,090.50.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize 10 belly dumps to haul 15,807 tons of gravel at a cost of $103,090.50.
Chairman Martin – accused us of not using local people but this is an outfit in Rifle.
Bonding – yes it will be used.
In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Construction of 4B and 5 cells at the Landfill – Marvin Stephens***

Marvin and Tim presented the recommended board action to award the bid to Con-Sy Inc for the construction of trenches 4B and 5 at the West Garfield County Landfill at a cost of $653,675.
Marvin and Ed discussed and it would be cost savings to do two cells at one time. They are ready to start work and have equipment has been moved in. It's a local contractor and confidence is there for the completion of the work.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the contract for the construction of trenches 4B and 5 at the West Garfield County Landfill at a cost of $653,675 for both cells.
In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Request for Change Order from United Companies for County Roads 210, 223, and 320 – Marvin Stephens***

Tim Arnett and Marvin Stephens presented the recommended board action stating that after awarding the bid to United Companies for the above-mentioned project, asphalt materials became very hard to procure. It was more advantageous to produce other types of products because of the major price increase for fuel project.
A call was received from Richard Landes stating that they can do the projects in September however the price had increased. A letter was submitted to this effect. The new price is County roads 210, 223 and 320 to United Companies for $774,180.00 ($69.00 a ton versus the $61.25 ton price previously). 2400 tons of asphalt patch picked up by the County if $165,600 ($50.50 ton versus the original $42.00 ton). The total for both is $939,780.00.
Road and Bridge verbally agreed to accept the increase in patching material so the chip & seal projects could stay on schedule.
The project looks "iffy" on County Road 100.
Commissioner Houpt - important for the public to understand and hope that people will understand why certain roads will not be done this year.
Commissioner McCown – this is a process of the fact that they are stripping a lot more out of the petroleum and going to gas and diesel and so that doesn't leave as much left over. The asphalt oil is the bottom of the barrel and there's just not enough left.
Marvin – the low sulfur diesel fuel is the real issue and the reason why there's not – when they make that the only thing left is coke.
Commissioner McCown and they're putting coke on all the refineries which will increase that by 10% which will cut down on the available asphalt oil by another 10%.
Marvin- it isn't looking good anywhere in the intermountain region.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to accept the price change with United Companies for the asphalt products this year in an amount not to exceed $939,780 both for patching material and for the repaving of County Roads 210, 223 and 320. Clarification was made on when we entered into these bids as about a month ago.
Commissioner Mccown = they won't give you but 5 days on a contract now.
Tim received a call the next day that manufactures were not going to back up their product.
Marvin alerted the Board to another possible change. We just don't know.
The Four Mile Project was at the forefront of this particular issue and how available the product was and were told that the pricing increase and expect some sort of a change order.
These prices are locked for these projects.
In favor: Houpt – aye; Martin – aye; McCown - aye
County Road 100 – Tim said if we don't hear soon we will have to cancel that paving.

Chairman Martin met with Joel down at CRMS and we're holding off until everything is ordered, on the ground so that BTE will be able to go ahead and get it completed hopefully within the 6 weeks of starting. We need a notification time of when that will take place and Ed Green is the point person to contract CRMS and the different folks and we need to have a notification campaign of the citizens. Detour – we will talk to the contractor and hopefully it if he can construct a pedestrian bridge. Marvin will impress on the contractor the traffic on that road for pedestrians

COUNTY ATTORNEY UPDATE – DON DEFORD
Executive Session: Litigation Update; Legal Advice Contract with Town of Silt and Direction; Legal advise of Library District; Issue on Affordable Housing and Discussion on a CODE Enforcement with RFTA – Child Protection and payment of Attorney Fees and a personnel issue in Don's office.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.

- ***Consideration/Approval of e-Recording Sales Agreement and Software Support and Maintenance Agreement with Tyler Technologies, Inc. – Mildred Alsdorf***

Don reviewed and submitted a memo on the software support and maintenance agreement for the e-Recording system. Additionally, a memo was written by Don DeFord after review of the contracts and submitted alterations to be accomplished by the vendor.
Discussion was held and Don reviewed the alterations being suggested prior to the execution of the contract.
Discussions have been held with Tyler Technologies and they have met all but one – page 2 of the memo – software support – this is an issue the Board has seen in the past with software and this would be loss of time and material lost.
A motion was made by Commissioner Houpt to approve the contract of Tyler Technologies, Inc. with the changes as proposed on the software and maintenance agreement of the eRecording software support system with the changes proposed and adopted as represented by our attorney.
Two agreements, software support agreement and there is a sales agreement.
Commissioner Houpt – the software support in an amount not to exceed $17,428.00 for the end of this year is anticipated to be renewed annually; and the sales agreement in an amount not t to exceed the $76,138.00.
Commissioner McCown – seconded for discussion. He stated that seeing duplicate numbers and they're all rolled into the $76,000.

Don – that was a question I had.
Commissioner McCown – to me I'm seeing two different numbers on support one is $14,728 and one of $17,428 and then those numbers are again rolled into the total payment of $76,138 and asked for clarification.
Mildred explained the $17,428.00 is our maintenance agreement where we're already paying $1169.00 a month for maintenance now and when we get the eRecording it brings it up to $1400 plus which we'll be paying that maintenance regardless. The total amount if the $76,138.00 and includes the $17,428.
Commissioner Houpt - The motion needs to be revised to take out the $17,428 out of the motion.
Commissioner McCown amended his second.
Mildred – the fact here is that we will be upgrade our recording department and we have not upgraded really for the last 10 years and we will be getting what will be called eRecording – this means people can electronically file their documents with us instead of having to send us the paper. This is something that is happening with several counties all over the state and the one that will probably take advantage of it more than a lot of others will be the public trustee with all the releases and everything that they do – they can electronically do them instead of filing paper. This is a good upgrade. The money for this is where Mildred came to the Board about 3 months ago and asked the Board to sign a grant contract where we received $30,000 and otherwise the money to pay for this is not coming out of the general fund, it's the $1.00 surcharge collected on each document and we got this surcharge extended to 2012 so it will continue to go there and we'll continue having money so that we can do any upgrades as they come along.
Commissioner McCown – will this also do document retrieval by citizens, can they get copies of titles and abstracts and etc. with this same going the other way rather than filing can they retrieve copies.
Mildred – when they file their document, then they get the document back.
Commissioner McCown – an individual doing research and pull documents from you files so that they don't have to come to the Courthouse?
Mildred – no, primarily we have the web site up where they can go to the website, find the grantor/grantee and then they see the book and page and they get the documents from us – it's not where it will electronically but hopefully down the road we can do that. They are doing a lot of research in Rifle too. I think this will be a good way to upgrade that department.
In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Consideration/Approval of Contract for Services for Appraiser for Golf Course Properties – Shannon Hurst***

Don presented that Shannon has asked that the Board consider starting an agreement to accomplish a specific appraisal on golf course properties.
Shannon explained that there are some tax agents that are going after all of the county's golf courses and then they go to the County level and they're taking it to the Board of Assessment appeals and they're winning at the Board of Assessment appeals. Shannon met with DPT and met with the appraiser who I would like to hire and went over how we can start to win these cases. In the County this means a lot of money for one year the Abatement already presented to the Board and recommended a denial, but that abatement was $62,500 for one year. So now that we did deny they went to BAA and that receive notice from BAA that it will be scheduled there. We also have two years but they are just doing this year, the 2006 value was protested and they will come to County Board and then they are recommending the Board deny them so they can go to BAA.
Don – this is one of the cases where they will not appear so they can go to BAA.
Shannon – Mark Scott did an appraisal of a golf course in Eagle County and he does it for a living and then presents the case to BAA with his appraisal report and it will be worth the cost as well as it's a good learning experience for us as well. The top value would be $15,000 and it would include an appraisal for 2003, 2004, 2005 and 2006. We would be much further ahead than going to the BAA and having them stand down on the side of the petitioner and then we're out $180,000 in taxes. It's a huge thing and we want to go forward and try to win. These people once they win in your County, they can go to every golf course in this county and we could be fighting value on all of them.
Don said his anticipation is that they will accomplish these appraisals this year so all three years will be done by this appraisal company. It's a one year contract for $15,000.
Shannon – in the contract he says he needs a retainer fee of $3,000 then he will start and it will take 60 to 90 days so it will be complete this year.
This is a BAA and would be a Commissioner expense and the funds would not come out of her budget. Once this goes beyond the Assessor's office and goes to the Board of Equalization it becomes a Commissioners issue on the valuation. The contract is with the Board and need authorize to sign the professional services contract as outlined.
Commissioner Houpt so moved. Commisisoner McCown – seconded. This will be assigned to the Board of Commissioners.
In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Consideration/Approval Deposit and Substitution Agreement – LB Rose Ranch LLC***

Tim Thulson and Don DeFord were present.
The proposed agreement incorporates the modifications discussed between Tim and Don Tim is confirming the amount of the cash deposit with the higher-ups at LB Rose Ranch, LLC and the number will be submitted today.
Tim said he was informed last week that they were unable to reach an agreement on a letter of credit with the bank and will instead post cash. Provides the amount of the actual security and amount of days to be held – deposit to the Treasurer's account for the public improvements, $5.1 and with that 1% Treasurer's fee. This is still going through the channels. The other blank is the number of days the Treasurer's will hold it. Disbursement way the 1% - LB Rose would like 30 days to accomplish this and Tim said it covers the County.
Like the Chair authorized to sign this and this should happen today.

Don – so the record reflects this, the cash amount deposited will be equal to the engineer's estimate of cost of improvements plus the 1%. And it is Tim's anticipation is if the check has to be converted to cash and utilized for security that the treasurer will place that cash in an interest bearing account.
Tim – yes. Then we will have to craft a disbursement agreement between the County and Rose Ranch.
Georgia Chamberlain – asked for clarification – does she hold the two checks and not deposit them until a number of specified days.
Don – Tim has requested 30 days.
Tim – it will be a wire transfer directly into your account, a funds transfer.
Georgia – will hold onto the funds and decides where it will be – a separate account under your name. The Treasurer's fee will be kept whether we get a letter of credit or will it be part of the refund.
Tim – it would be refunded if we went for a letter of credit but if we go with a disbursement agreement, it would be refunded.
Georgia agreed this was acceptable.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the deposit and substitution agreement for LB Rose Ranch, LLC. under Number One, the approximate amount to be $5.1 million plus the 1% for the Treasurer and that will be held for 30-days and the Chair would be authorized to sign it.
In favor: Houpt – aye; Martin – aye; McCown - aye

Taughenbaugh Building – Closing on Sale
Don asked the Board to give authority to the Chair to execute all necessary closing documents for the Taughenbaugh Structure – we will close on that on Thursday, 10:00 A.M. and the only documents the chair will need to execute at closing are the deed and the closing statement.
Commissioner McCown – so moved; Commissioner Houpt – seconded.
In favor: Houpt – aye; Marin – aye; McCown – aye

BLM – Cooperating Agency Status – Reference the EIA Statement on Coal Production – Coal Leases – Garfield – Mesa County
Chairman Martin asked if we had received this from BLM. He asked Don to review this as it has places for signature.
Don added, cooperating status for coal le
Commissioner McCown – Appalachia Coal Leases around Mack, Colorado.
Chairman Martin – it's dated the 11th but he didn't receive it until this morning. We need to get back to the Grand Junction office to handle that if we agree to do with those terms.

Airport – 2nd Installment on the Runway
Carolyn asked the Commissioners to formally ratify Mr. Martin's signature dated July 14, 2006 on the 2nd installment on the grant from the FAA on the improvement of the runway, safety area Phase II, Planning Support and Wetlands Permit the 404 permit, the document came in earlier than your Airport Manager expected and the FAA wanted them this morning so John signed on Friday so that Brian could hand deliver them to the FAA. Carolyn said she felt comfortable as the Board had seen all the information on these before. So she asked the Board to ratify the Chair's signature of $362,000 for planning and the wetlands 404 permit.
Commissioner Houpt – so moved. Commissioner McCown – seconded.
In favor; Houpt – aye Martin – aye McCown - aye

COMMISSIONER REPORT
Commissioner Houpt – One thing that I would like to suggest, John and Larry I don't know if you were at the meeting on the gravel pits, I wasn't, I was out of town but it seems to me that there's a lot of discussion regionally that needs to happen with respect to planning and phasing and reclamation and I think it would really good to the stakeholders at the table with an independent facilitator just to get the big picture of what the concerns are and what the long term issues may be that need to be addressed you know, including all of the agencies that deal with permitting and the municipalities, the industry, the property owners and environmental groups so that there's a greater sense of understanding on what everybody's concerns are and figure out how we can work together to make it a successful process for everyone. So I was going to suggest that we take the lead and offering the big meeting room at the Fairgrounds and have an agreed upon facilitator that they managers can come up with set a time for everybody to be there to get this issue discussed and work through it together instead of through the papers and through disconnected concerns. Would I have any support on that if….?
Chairman Martin – I think we could talk about it would be fine – look at business practices and our reclamation requests, etc. etc I don't have a problem with that at all.
Commissioner Houpt – Yeah, just look at the whole scope of the discussion with everybody there.
Chairman Martin – so that we can get the information out that we have such a review, who we review and what the so called slam dunk process is, which takes many many years to get complete.
Commissioner Houpt – yeah, and we talked about planning when we were in Rifle, you had talked about the notion of moving forward with that but I don't know if we want to look a long process for a shorter term solution that everybody can work on and Ed would it be possible to get a meeting together to ..
Ed Green – so you're talking about the City Councils of Silt, Rifle and Parachute.
Commissioner Houpt – and I'm talking about the agencies that do permitting, I'm talking about landowners, business owners, environmental groups, all of the stakeholders who have brought forth concern about the impact of the river corridor from Silt to Rifle.
Chairman Martin – talk about the economics of that as well without doing that, then it's an unbalanced discussion. I don't know if the state and federal government will be able to attend, simply because they are part of the review and permitting process, I doubt if they'll be able to attend that meeting.
Commissioner Houpt – why is that?

Don DeFord – that was our question too, is whether or not you're anticipating that the Board of Commissioners would attend,
Commissioner Houpt – yes
Don DeFord – well then that raises obvious issues about obtaining evidence outside the public hearing process.
Commissioner Houpt – we met with Rifle on the issue, I don't know why we can't meet stakeholders on this issue.
Don DeFord – then you're aware that these matters are coming in front of you for public hearing?
Commissioner Houpt - yes.
Chairman Martin – then at that point you'd be tainted from being a voter. You have ex parte communications possible, possibly perception of decisions.
Commissioner Houpt – so what are you suggesting that we leave the applicants out of this discussion and have it with everybody else.
Chairman Martin – no, it's the Board that are the decision makers.
Don DeFord – the problem is that it would be no different than if you invited a judge at a trail to attend a neighborhood meeting involving the issues that were in front of them for consideration. That's what your position is when they come in front of you for a public hearing. Now if there's a way to exclude the information that you obtain at a meeting such as this from your consideration process…..
Commissioner Houpt – how do we get from having discussion with pertinent stakeholders on land use planning and approval processes in general to establishing new plan or regulations to then being able to address the applications that come in front of us.
Don DeFord – what's the purpose of the meeting?
Commissioner Houpt – the purpose of the meeting is to understand the concerns and issues that are being brought forward and find solutions for working with those concerns so that's it's a beneficial for the property owners and the adjacent property owners and the communities and the environment.
Don – so are you talking about the problems occasioned by the permits that they're requesting?
Commissioner Houpt – yeah.
Don DeFord – why are those dealt with …
Commissioner Houpt – not individually because what we're talking about is a corridor issue, where you're talking about a high impact use of the river corridor where we need to look closely at reclamation because of the predicted use of a huge part of that corridor between Silt and Rifle and do we have the right protections in place or do we not.
Don DeFord – okay. So really what you're or what I'm getting out of this, you are looking at developing some type of additional regulations for this corridor to address…..
Commissioner Houpt – if that's what comes out of the meeting, yeah.
Chairman Martin – that would be kind of a public process in reference to taking information to change present rules and regulations.
Commissioner Houpt – it is a public process.
Chairman Martin – so we would have to agenda it and have a public meeting for us to make a decision for recommendations as I understand to send forth to rewrite certain rules and regulations, on a zone text amendment or zoning, whatever.
Commissioner Houpt – this is a fact finding process for gravel pit activity through the corridor in general.
Don DeFord – it sounds like what you've done in the past in the nature of a workshop leading to development of regulations.
Commissioner Houpt – yes.
Don DeFord – a couple things, I think you've done that in the past so I think you can do that again, but you have to very careful and separating the issues that you would get put together for developing new regulations versus applying current regulations to existing applications.
Commissioner Houpt – well, and I understand it, the discussion has shifted from specific to general and the general discussion that I understand is on the table now is how much impact at a time, which is where the Roan Plateau discussion went when we were talking about the phasing of excavation or production and reclamation, those seem to be…..
Commissioner McCown – the big difference there Tresi, you had one property owner, that was all federal government, but this you have gone multiple individual property owners.
Commissioner Houpt – right, but we're talking about land use issues and I'm not talking about – I mean I don't know if others are talking about, but when I think of phasing, I don't think of putting one person's application in front of another, I'm talking about how on that piece of property do they mitigate the impact as they move forward on their gravel operation. And I don't know the answers to that, so I wanted to bring everybody to the table to educate us on what the state of the art approach is these days and what the concerns are and whether what's being done now can address those concerns or whether we need to look further.
Don DeFord – so right now what you want to do is get enough information to see whether you should develop either land use in the form of subdivision or zoning regulations or 1041 regulations for that area.
Commissioner Houpt – yes.
Don DeFord – okay, again I think you can do that but since you have pending application in that area you have to be able to discrimination between the consideration of that application at a public hearing process while you are also developing new regulations that may not apply to that application.
Commissioner Houpt – well I'm sure there will be people who come to the table asking for a moratorium while this discussion occurs too.
Don DeFord – and then you need to look at that. One other reminder I'd give you too is that in terms of comprehensive planning, that's a Planning Commission role, that's not a Board of County Commissioner's role.
Commissioner Houpt – uh huh.
Don DeFord – so with those cautions in mind then ..
Commissioner Houpt – yeah I think it's a fact finding meeting.

Don DeFord – okay.
Commissioner McCown – the one question I would ask is you said you'd like to have the landowners there, which ones? Every listed landowner from Parachute to New Castle or those that have the intention to lease to a gravel entity?
Commissioner Houpt – well, I would definitely like to have those who have the intention of leasing there because I think it's important to have their perspective at the table; if there are other neighboring property owners around that area, it's a public meeting and I think they should be welcomed at the table as well. That's why we need a big room at the Fairgrounds.
Chairman Martin – maybe even the Planning Department since that's going to be their recommendation if there are any changes, etc.
Commissioner Houpt – oh absolutely, and the Planning Department, it's a huge stakeholder list but I think it's an important issue and we've seen a lot of it in the and I'd rather have us all get in one room and try and figure out how we can make it beneficial for everyone than ignore it and let people smolder.
Chairman Martin – looks like we'll be discussion that bring it back and see if we have some kind do an actual format that we can look at to make sure that we're in our perimeters and maybe go forward with it.
Commissioner Houpt – I can meet with Ed and talk about an agenda and stakeholders.

Other Commissioner Reports were held later in the day.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Schoon, Eric and Shari – SUP for Two-family dwelling and Resolution – Fred Jarman
f. Liquor License Renewal – Rifle Fireside Lanes – Mildred Alsdorf
g. Strang Exemption, Authorize the Chairman to sign a Resolution of Approval

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – g minus b & c; carried.

REGULAR AGENDA

HUMAN SERVICES COMMISSION MINORITY SERVICES COMMISSIONER – TOM ZIEMANN

Tom Ziemann with Catholic Charities and immigrant issues given the state of affairs with legislation. Numbers are up in Garfield County and overall they serve 255 clients this past year. Help legal and illegal immigrants over the issues. Concerns – employers not paying for labor provided. 2nd year in not getting legislation through with this justice issue being completed. We are part of a task force and trying. State Department of Labor – the issue of the laws that fines can be given if no one is paid – enforce the law. Hot Topic – State immigration laws, services provided. Cracking down on employers and we are not pleased about this. IF the federal government would take care of their business then this State would not have to be directly working on this. Fair reform at the federal level.
How this will affect our services – predict numbers will go up and will come for assistance and then they may see it as not seeking help from anyone.
Colorado Trust Initiative and reenergizing to get the word out about practical things to welcome the immigrants. To have a local initiative you are part of our community and engage you as part of our community.
Congregations Schools of Power – interviewing people in the community and deciding between two issues – immigrant issues locally and half-way houses and get the people together to make changes. We are engaging immigrants as leaders, training them to become leaders and asking them to get involved with their community. We are excited to see how this turns out in terms of training and engaging immigrant leaders as well as the receiving community.
Commissioner Houpt – is this comprised of business owners?
Tom – No, it's just regular people. The way it works if you are interested in learning more about this model, it is a model of community organizing and is in place in 150 communities around the country both in large cities and also in rural areas like ours. You go into congregations and we are also engaging schools and working with people within those institutions who have some passion about their communities and are willing to make that effort to work together to have a voice. The idea behind this is when you bring a lot of people together who are passionate about an issue; hopefully it will get your attention. We've been working primarily within St. Stephens because it's the largest church in the valley and it's also 50/50 Hispanic immigrants and receiving Anglo community. We have interviewed 150 people within that particular parish and have 40 involved.
Commissioner Houpt is interested in employer legislation and had talked to Kathleen Curry regarding the issue of people not being paid for their work.
Tom will email the legislation to the Commissioners.

BOARD OF HUMAN SERVICES

APPROVAL OF EBT/EFT DISBURSEMENTS FOR JUNE 2006

Lynn Renick presented.
For the month of June 2006, client and provider disbursements for allocated programs and EFT/EBT disbursements for May came to a total of $451,911.49.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the disbursements for a total of $451,911.49 and the Chair be authorized to sign.
Houpt – aye; Martin – aye; McCown - aye

CONSIDERATION AND APPROVAL OF 06-07 OUT-OF-HOME PLACEMENT CONTRACTS
CHILD PLACEMENT AGENCIES AND RESIDENTIAL PLACEMENTS

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Child Placement Agencies and the Chair be authorized to sign. $1,053,609.35.
All the contracts were submitted.
Lynn explained that due to the beginning of the new State Fiscal Year on 7-1-2006 and the elimination of the Residential Treatment Center category for out-of-home placements, counties are required to redo all placement contracts utilizing a revised State format, with the option of adding county specific language as needed.
An 'Agreement to Purchase" contract is required to be signed on an annual State Fiscal Year basis with any placement provider that is utilized, however it is not child specific and does not specify a not-to-exceed amount. A 'Child Specific Addendum' that references the general SS23A contract must be completed on each child/youth in placement and denotes a not-to-exceed amount.
Any "child specific addendum" under $10,000 will be signed by the County Administration per the Procurement Policy.
In favor: Houpt – aye; Martin – aye; McCown - aye

CONSIDERATION AND APPROVAL OF CORE SERVICES PLAN FOR SFY 07
Lynn submitted the plan and said that the County received a 3.25% CLA increase for the 80-20 and 100% allocations for SFY 07 totaling $262,689. The Garfield, Eagle, Pitkin, Summit Mental Health and Substance Abuse services allocations remain the same at $169,998. The Department plans to utilize Colorado Works/TANF dollars $48,158 in order to serve the TANF-eligible population in areas of life skills and therapeutic services. In the plan are two new county-design programs being proposed for high risk families – Equine therapy and Multi-Systemic Therapy. The Plan is due to the State on July 28. Provider contracts will be prepared for the Board or County Administration as soon as the Department receives verbal approval by the Colorado Department of Human Services.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Core Services Plan for SFY 07 and the Chair be authorized to sign.
In favor: Houpt – aye; Martin – aye; McCown - aye

CONSIDERATION AND APPROVAL FOR OUT OF STATE TRAVEL REQUEST – KORRINE WINSTEAD
The request is to travel to Washington, DC to attend the National Foster Care Teen Conference with two foster youth. All costs are covered through federal Chafee funds and the estimated travel costs for Korrine is $3000. All expenses will be paid by the Chafee Grant.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the out of state travel and the Chair be authorized to sign.
In favor: Houpt – aye; Martin – aye; McCown - aye

PROGRAM UPDATES
Lynn reported on the Substance Abuse Survey saying that there is an almost finalized written report in order to bring it to the Commissioners for information in terms of what the conclusions and information received from 141 participants as well as the Colorado Prevention Partners Project which is the Substance Abuse, State and you are actually the fiscal agent community wide substance abuse grant for prevention of underage drinking and substance abuse. Shelley Evans came several months ago and did a power point presentation and they are having to put in a second year grant proposal for that grant which has increased from %50,000 to $110,000 and we have a lot of data on the youth issues as well as substance abuse that has been gathered by Shelly Evans and we are hoping Mark McCabe may be able to come from CMC to share some data and information regarding campus issues with substance use. We are almost ready to do this and asked if this made sense to put a Worksession in August. August 14th and we will need extra time.

Meeting – 3rd meeting sponsored by EnCana – putting together a symposium September 20 and 21 – oil and gas industry – 800 employers with special presentation on ICE and employer responsibilities and CBI on substance abuse and methaminine.Child care and child support issues so Lynn will attend.

Child Advocacy Center – met last week and with the Child Help USA looking at the possibility of working with a private/public partnership and offering to help with funding.

Federal visit with Single Point and Mental Illness program and may need technical assistance in getting this program going.

BOARD OF HEALTH
Mary presented. No contracts or business items so she took time to provide a program update.
Fall Flu clinics are being put together.
WIC has been very busy with a full caseload; staff is updating their education skills.
Emergency Services – attending workshops to meet the community needs.
The County Website has a lot of information on personal preparedness.
Environmental Health – continues to grow under Jim Rada.

Task Forces – completed secondary data and a formalized report to present to the Board.

Tobacco Grant – reformatting the grant and will present this in August. Funding - October 1, 2006. A newly formed and funded position.

Commissioner McCown asked if Mary was able to evaluate on how the new legislation affects her.
Mary said that most of those receive federal funds and supersede State laws so no program is affected.

COLORADO WORKFORCE PRESENTATION – PENNY ROEHM
Penny and Annis Roberg presented.
A good report was submitted for the County showing the total number of jobs rose between 2001 and 2005 by 19%. The number of businesses has also risen 23.02%. All industries have shown a rise between 2001 and 2005 with the largest change being in Mining which includes Oil and Gas Extraction. That industry has risen approximately 427%.
Penny provided an impressive Power Point presentation.

They also help find employment for the handicapped.

Job Orders – employers are looking for people and the job openings are up. 3% unemployment in Garfield County and it is 4.5% in the State.
There is a variety of openings, labor, professional and they take job openings for any amount of 4 days or more.
Roundtables were held – annual job fair May 16 and 17th and part of the Rifle Job Fair and EnCana.
Hands on Career Day – September 20 and working with the Associated Governments of Colorado. This will be different as it will be hands on and expect to have presentations. A truck driving simulation and many more events.
A commuter map was presented and a list of the website to get information. This shows where people live and work in Garfield County. This is from 2003 and it may have changed in the last 3 years.
Rural Resort Region has a latest commuter map and Commissioner Houpt offered to get the information. A more graphic illustration will be emailed to her.
Transportation is up 69% in our area and this includes truck driving. Includes trucking and bus driving for Garfield County.

DISCUSSION OF REQUESTS FROM LIBRARY BOARD TO FORM A LIBRARY DISTRICT
Members of the Library Board, Library Director Ann Moore, Tom Stuver and Don DeFord were present. Handouts were presented.
Bill Lamont, Ella Barker, Ann More, Mindy and Penny and Troy from Stephan and Tom Phelps from Kutak Rock from Denver.
Bill referenced the handout and said today they are asking the Board to direct staff to do the proper steps, paperwork to allow a public hearing to be held on September 5th for the creation of a Library District version of the current Library Operation as a County operation to a Library District same boundaries that we have now which would include all corporated and unincorporated and asking Don to get involved to look get involved with our attorney's to look at this. It became clear that what was needed a directive from the Board for the County Commissioners to do the proper paper work and set a public hearing for the consideration for the creation of a District conversion creating the Library District for the County. Prepared to go to whatever level of detail you would like and have presented this in the past a number of times as to why a district made some sense as far as the ability to meet the demands of the growing population of Garfield County and will not bore you with any details you would not like to hear but if you want to get into other questions, they will try to answer them. Tom for Kutuck Rock is the Bond Attorney and the other Tom is the Library attorney and has been in communication with Don and hopefully we've done our homework for you.
Tom Phelps is a Bond Attorney and Tom Stuver is the Library Attorney.
Chairman Martin hopefully you will be able to get us convinced that we wish to go ahead and form this District through Resoltuion and ask for a Mill Levy increase under the Board's ability to do so, to go out to the vote of the people, is that what you're asking also?
Bill Lamont – we're asking to move the question to a public hearing about the creation of the district which the Board has the ability to do. Secondly, would be that we would be putting on the ballot in November the question of a Mill Levy and a continuation of receiving the quarter cent sales tax from the County. Looking at those two sources then we'd be asking voters to direct this language.
Tom Stuver – let me follow up on that as there is a bit of a nuance in the way you ask the question, the question to increase our Mill Levy I think and the answer is there's a distinction it would be looking at the issue of whether or not a Mill Levy should be approved for the Library District to be formed, it would not be an increase of the County's Mill Levy and the obligations of the District are not general obligations of the County, it is a separate entity from a tax collecting standpoint. So, I'm not trying to –
Chairman Martin – you're an expert at semantics.
Tom Stuver – but I think it's important that both you and the taxpayers understand that this is not an increase in the Garfield County entities taxes, it doesn't affect the Commission's general fund obligations in any way. With respect to that, one Mill Levy that's being considered, that's a one Mill Levy that's being dedicated for the Library District and the Library District is the recipient of the revenues from that rather than the County. On the second funding source that we are asking you to look at is to in fact dedicate the existing sales tax to the Library while it remains in effect or possibly for a fixed period of years as the request has been to you reflecting the most recent thinking the Mill Levy for the District would have a sunset but another way of approaching it and we'd like to have the notice of the meeting keep this issue open, is to have the commitment of the Sales Tax Resolution funding be the resource that is time-limited rather than Mill Levy and because that requires some further discussion and examination by the Commissioners, the public and by the Library Board.
Chairman Martin – and again, I'm looking at that sales tax question as bringing in over $2 million dollars a year now annually and on the increase of 37% over last year plus 1 Mill will generate according to the figures another $2.5 million so you're looking at $4.5 to $5 million dollars to run the Library system with this request.
Tom Stuver – well that would – the inference is running and it's really not intended to be an operating fund in that amount. What is intended is running and doing significant capital improvements and renovations.

Commissioner McCown – will either of these financial mechanisms be specifically allocated to capital improvements?
Tom – I'll let Bill answer that, the intent is yes.
Commissioner McCown – will it be done that way at the Ballot Question time?
Bill – I think at this point we're not prepared to make that decision, primarily because we, in trying to figure out what was needed in both operating and capital cost and our capital costs are the primary reason we're talking about increasing revenues, so as we looked at the Library so as we looked at it we were having a further evaluation to make sure our costs are what we anticipated and projected them to be at that point we may be in a position to say one or the other is for capital costs and the other is for operational costs. That would be the one that we would talk about sun setting at some point in the future. And we would hope to have, well, we don't hope, we will have that decision made before September 5.
Chairman Martin – okay.
Commissioner McCown - so you're anticipating and not trying to put words in your mouth, but you're anticipating more specificity on these items when they go to the electric.
Bill Lamont – and when the hearing is held on the District we will be more specific.
Don – let me interject a problem or maybe it's not a problem but a question at this point, Mildred's pointed out to us that she has to have the ballot language and set her ballot on the 28th
Mildred – not the ballot language, I just have to have notification that they want to be on the ballot.
Don – by the 28th of July so today you're looking for the Board to make a decision to setting a hearing and providing notice but you're also, I assume then asking for a decision from the Board directing to us as to what items have to be placed on the ballot.
Tom Stuver – that would be correct.
Chairman Martin – through the Resolution.
Commissioner McCown – will you be able to give us by July 28th where you are going with this ballot initiative? We're going to have to ask for it by default through the different statutes of the Library; we have to ask for this ballot question, not you. Even though there's this severance that Tom keeps talking about, we're the one that has to bear the sword. Will we know what you're going to ask for by July 28th? Or I'm hearing we will know by September.
Bill Lamont – if we have to have it by July 28th, you'll have it by July 28th.
Commissioner McCown – okay.
Don – we don't have another meeting before July 28th.
Chairman Martin – we need it today.
Commissioner McCown – I mean that's what I'm saying, Mildred or the County Attorney needs that information to get to Mildred by the 28th of July.
Mildred – I need primarily the fact that you want to be on the ballot not what it consists of.
Commissioner Houpt – you don't need the specifics.
Mildred – not the specifics.
Commissioner Houpt – so we're okay with
Mildred – how many questions?
Mildred – I need to know how many questions.
Commissioner McCown – that's what I said, Okay.
Tom Stuver – two questions.
Commissioner Houpt – and the two
Chairman Maritn – which includes a Tabor issue?
Tom Stuver – yes.
Commissioner Houpt – they're two different totally separate questions, one on the Mill Levy and the other is on the quarter cent tax.
Tom – that's right.
Chairman Martin – and the creation of a – see that's my problem because you can ask straight for a ballot question to the public do you wish to form a District.
Tom – and that isn't the procedure that we wish to follow. We want you of your own initiative upon our request to form the District subject to the funding sources being made available.
Commissioner Houpt – well, is that because it takes some complexity out of the process then when people go to vote on the ballot questions? I'd love for somebody to speak on that because it was a discussion we had without you and I think it's important to….
Tom Stuver – it takes complexity out of it from a standpoint of the ballot questions, but even more importantly because of the sales tax being an important factor in the funding, and that being essentially being under the County Commissioners control, the complexity will come in the Intergovernmental Agreement between the Commissioners and the Library District because you are going to want to put limitations consistent with the voter approval on the use of those sales tax funds over a period of years and an example of one to address and issue that was raised is concern that somehow Garfield County operations would extend into adjoining municipal areas in other counties. The Intergovernmental Agreement between the District and the County Commissioners could address that directly and could simply say, service area of the District is Garfield County and funds from the sales tax will not be expended for any purpose that's extra territorially to Garfield County. Now we don't want to put that on the ballot, we know that that's what your expectation is and that would be built into the agreement that is put together between counsel and then subject to your approval.
Bill Lamont – it eliminates I think, that's correct, potential confusion another item on the ballot, we don't want to end up like the Open Space a couple of years ago where the citizens voted for the creation of the open space but didn't vote to fund it and so we would like to simplify this as much as possible so we want the voters in the fall to be clear.
Commissioner Houpt – are you prepared for the notion that we could create this District but you still may not get the funding?

Bill Lamont – our anticipation is that the sales tax funding would continue and if it failed to get the additional funding that we would be asking primarily for capital purposes then we would continue to operate as a District with the quarter cent sales tax.
Commissioner Houpt – so you would want to continue as a District to kept those options open.
Bill Lamont – it could be the option open that we continue as a District or you could take us back under your wing as a County agency then. It's almost your preference of the way you would like to draft it.
Tom Stuver – operationally there would be very little difference because since the District would be dependant upon the County sales tax exclusively as it's source of revenue for operations, the District board would still be presenting it's budget to you for approval as the County Library Board does now. Operationally there'd be very little difference. There's a slightly different mechanism for appointment of the Board of Directors of the District because the appointments nomination for appointment are made by a committee which the Commissioners appoint but it's still subject to ratification of those nominations by a 2/3rd majority of the Board of Directors, so I cannot conceive that there would be much operational difference at all but if the District did continue in existence, notwithstanding, the failure of the Mill Levy election, the District could then in a future election round initiate on its own a request for Mill Levy funding for the District without going through the Commissioners to do that particular operation. We're confronted with having this coordinated activity right now but once the district was on its own feet, funding by the sales tax, it could in a subsequent year seek voter approval of a Mill Levy for its operations.
Commissioner Houpt – you wouldn't have to come thought us for that.
Chairman Martin – No, they would be a taxing entity on their own self.
Commissioner Houpt – so you are requesting that the IGA be finalized after the November election? Be formed after November?
Tom Stuver – the law requires that the IGA be completed within 90 days of the election, we would anticipate that as the process goes forward to the hearing in September that we would at least identify the issues that are of paramount interest to the County Commissioners that would require inclusion in the IGA so that people who are participating in the hearing and ultimately the election would know what they are voting for.
Commissioner Houpt – so that's the IGA but the Resolution that would create a District needs to happen before hand so when you go to the voters that's already been established.
Tom Stuver – the September 5th hearing would be intended for we would hope your favorable consideration of the formation of the District.
Commissioner McCown – and Don or Tom, how does the dissolution of a district occur? I mean we can create it by Resolution, how do you dissolve it?
Chairman Martin – because then it becomes an independent taxing entity which takes the vote of the people to do away with I would think.
Don – yeah, I actually didn't see dissolution or a termination provision in the statute, Tom…
Tom – I haven't researched it but it doesn't pop off the page, I suppose they anticipate that once you have libraries you won't want to abolish them.
Commissioner McCown – well once you have district, not being specific as to a Library, I'm thinking along the lines of a special road district, if one is created, how does it ever go away?
Tom – yeah, we can check the statutes and have a more specific answer but it isn't, the District isn't being formed to achieve a specific time limited task, it's assumed to be an operating entity that would operation libraries in this County in Perpertituty.
Don – I guess if there's not a Mill Levy established for the benefit of the District and there are not bonding obligations, if it's like any other County action you could dissolve it by repealing the Resolution that created it. But once those obligations are undertaken then it's a much more difficult process and probably would require a vote of the people.
Tom – yeah, Mr. Phelps has assisted me here, there is a specific provision that it can be abolished by a vote of the registered electors of the service area.
Don – even if it's not formed by a vote?
Tom – yeah. 29-40-114.
Commissioner McCown – so if you form it by Resolution the voters have to vote it out.
Tom – yes.
Commissioner McCown – they ought to have to vote it in.
Tom – well I think you can consider and this would be with your counsel if you wish, your Resolution approving the District I think can be subject if you want to voter approval of the independent Mill Levy.
Don – isn't that what you were suggesting originally?
Tom – we discussed that and that again, that's when you study the efficiencies that the District might offer in the future from the standpoint of conducting its own levy, even though we continue with your appointing that Board of that District, you may want to consider that it not be a conditional formation but obviously what you determine on that is what the County Library is prepared to live with.
Commissioner Houpt – well and I can't imagine under what circumstances you would want to dissolve a District - do you have something in mind that might trigger that?
Commissioner McCown – no, just a difference in the methods of formation and dissolution. It takes a vote of the people to dissolve it, but we as Commissioners can form it. To me there should be some continuity under the process that it should take a vote of the people to form it if a vote of the people has to dissolve it. That's why I asked the question.

Chairman Martin – and that's still an option. We could still go out and the Library Board themselves can go out and ask for a vote on the ballot to become a District, ask a funding question and ask the other question to retain or an agreement with the County Commissioners to retain the sales tax under a different agreement to continue to fund operations.
Commissioner Houpt – well, I think that there's a great benefit to, trying to do this in steps and it just seems less complex, seems like we could create an opportunity for this to success and since I'd really like to see this success, I'm going to put a motion on the table that we do schedule a public hearing for September 5th

for the consideration of creation of the District through Resolution and I think this will give us an opportunity to really get everthing together and get a good picture of how all of the various issues are defined and who's responsibilities fall where so I'm putting that motion on the table.
Commissioner Mccown – second.
Motion and a second. Discussion
Chairman Martin – I'm still of the opinion that the people themselves need to decide if they wish to create it not this Baord simply because we collect the sales tax and distribute 100% of the sales tax to the Library Board, we've done everything that they've asked us to do and I think we have a good relationship that we, not against the Library in any way, but I just see a taxing questions coming up and piling on of more taxes, requests, etc., where we need to have it clean and ask two questions – do we wish to form a District by the citizens, and do we wish to have a Mill Levy from the citizens to run it.
Commissioner Houpt – the lovely thing about this in my mind it that there really isn't a huge distraction between a District and the current Library system, except that it enables them to expend their resources if the voters so choose. And I think we've all heard from our constituents that there's a concern about the state of the Libraries and the limited budget and it just seems like a great way for the voters to be able to resolve that and if we can ease some of the complexity I think we've heard from Mildred earlier today that it's going to be a very full ballot, I think it would be a great way to go but that decision will be made on the 5th, we don't have to debate that today, today all that's on the table is a public hearing on the 5th for consideration.
Don – before you act on that motion, and I don't know if you intent to act separately regarding the contents of the notice but I will need direction in setting the notice on the Resolution as to the geographic area which I'm pretty sure would be Garfield County and the method of funding has to be set forth with a little bit of specificity so if you'll anticipate following the recommendation that the Library has set forth in its proposal, I'd like you to include that as part of your direction to my office regarding notice.
Commissioner Houpt – Well, I can add that to my motion and add the recommended language along with the jurisdictional area which would be Garfield County.
Commissioner McCown amended his second to include that.
Tom Stuver – Don, my explanation on this, which of the two funding sources to possibly sunset, we would certainly hope that the notice would be broad enough as to give you discretion as to which of those you would want to …
Don – that's not the contents of your written request, it's very specific.
Tom – that's why I've interjected it.
Don – so we'll need some more discussion of that and I will need some direction on that because and I'm not exactly sure what you want then if you don't want to sunset the sales tax, do you want to sunset, I mean if you don't want to sunset the property tax you've recommended, what do you want on that.
Tom Stuver – I think we want the hearing to be able to consider which of those two sources should be subject to sunset.
Don – 20 years each? I mean both – on a 20 year?
Tom Stuver – either, seems to me at the hearing is on the subject of those two funding sources and whether either or both of them should be subject to a sunset.
Commissioner Houpt – if you're fine with that, I'm fine with adding discussion.
Don – let me think a minute on the notice. I would frame that.
Could both be sunset? I mean we have to give notice to the public on how you want you to fund this district.
Tom – I think the topic is consideration of either of those two funding sources and whether either of those or both of those should be subject to a sunset.
Chairman Martin – yeah
Tom Stuver – and if so, the term.
Chairman Martin – that's a double edged sword there Tom.
Tom – of course it is but…
Bill Lamont – part of is to go back to the question that Larry raised of are we in a position to identify one or the other for capital projects, which is a logical one to sunset and at this point we've said we're not in a position to be specific on it, we will be certainly before September 5th.
Don – will one or the other be proposed for sun setting or it is possible that neither will be sunset?
Bill Lamont – our position oat this point is one would be sunset.
Don – okay.
In favor: Houpt - aye McCown – aye Opposed: Martin – aye

Chairman Martin you are risking too much, I think that we need to stay status quo and that's my feeling, its safe, it's what the citizens voted on and that's what I stand on as well.
Don – that will be at 10:15 a.m.

Direction to the Clerk
Don – I need direction to the Clerk as to what she needs to include on by way of identification for the Ballot on the 28th of July.
Commissioner McCown - 2 questions unknown
Mildred – just on letterhead
Chairman Martin – letter requesting to be on the ballot for a question in reference to the district and to funding. So I think that's what we need to have on there.
Don – so you want to direct the Chair to sign a letter to the Clerk requesting that she reserve space on the ballot for a Mill Levy of one cent to generate $2.5 million dollars for an undefined period of time and as well as a Tabor election on that issue, that would be one.
Commissioner Houpt – those are two questions, right.
Commissioner McCown – no that is one question.

Commissioner Houpt – no they want it to be two questions.
Tom Stuver – no there are two questions, yeah.
Don – the Mill Levy is a Tabor question also. And then you also want the sales tax submitted as a Tabor question to commit that for an undetermined amount of time.
Commissioner McCown – yes, that's what they are asking for.
Don – is there a motion to that affect.
Commissioner McCown – so moved. Commissioner Houpt – seconded.
In favor: McCown – aye; Houpt – aye Opposed: Martin – aye

UPDATE ON KEATOR GROVE PROJECT – MOUNTAIN REGIONAL HOUSING – SUSAN SHIRLEY

Susan Shirley updated the Board on the project. for 52 units. Today she is asking for help on the proposed sale price in buying down some of the more income restricted at least on 8 units for $80.00. If the county will assist with the buy-down for $13,000 each then she can expect to get $10,000 from other sources to assist these families. Shirley said she was very glad to hear that the Commissioners were willing to move forward on affordable housing in the valley. In response to questions, Shirley informed the Board that the bottom line profit is 9% and in order to obtain any financing the bank requires a profit of no less that 5%. The 9% is included in the prices. This project has taken 6 years to go forward because affordable housing is not profitable and they are the only non-profit developer. Garfield County Housing Authority will administer the deed restriction and all 52 units will be restricted to residents and with the appreciation cap so that is 52 new units to be administered by Garfield County Housing Authority. They are asking the county for a buy-down on 8 units. This could be a priority for Garfield County employees.
Ed stated that if the Board approved the $80,000 it would go through the Housing Authority to Mountain Regional Housing.
Shirley stated this is a joint operation between Geneva and Shirley. This would be typical and Shirley now handles the deed restriction of some for Basalt and Carbondale of about 70 units and as they move toward the merger, Geneva will get them all. They will then focus on the building part.
Ed confirmed that the Commissioners had funds outside the taxpayers property tax revenue that could be used for this affordable housing project.
Commissioner Houpt supports this and noted that the last time Shirley was here it was not 100% deed restricted and didn't feel comfortable going with something that was more free market and thinks this is a great project. I am in support of this and put a motion on the table that we participate as a partner in the Keator Grove affordable housing developing by buying down 8 units at a unit price of $10,000 in an amount not to exceed $80,000 and that those monies in that transaction go through the Garfield County Housing Authority.
Don confirmed that this would be non-property tax revenues.
Ed referred to the spreadsheet given to the Commissioners earlier today showing the general fund has approximately $4.9 million of monies that are not from property tax.
Commissioner McCown – seconded.
Commissioner McCown – a bought-down unit for instance may come in just $379,000 a unit and may come in at $300,000 for that first purchaser; when Shannon goes to assess this she is going to be assessing in value on units that have sold on units similar to it in the lat 18 months, as she is required to do.
Shannon – we currently have a lot of deed restricted properties and yes we look at the market value but if it says the increase can only be 3% then it only goes up 3% regardless of its assessed valuation.
Commissioner McCown – so these directly affect our tax role.
Shannon – yes.
Commissioner Houpt – this is another example of those great opportunities where something is in place and moving forward and they've been though most of the difficult portion of this with a lot more ahead of you but I believe there is a recognition on this board that it's critical that the County become a partner in these efforts because the discrepancy between earned income and the cost of living is a huge disconnect and it keeps growing.
Commissioner McCown – it wasn't included in your motion but I would certainly ask that County employees be given some preference in this selection process and not knowing how they will be rated, it still is a fairly significant investment on Garfield County's part for 8 units and would ask that some kind of rating be created to where Garfield county employees would have a preference in the rating.
Shirley stated it can be done on the deed itself.
Commissioner Houpt – is that for all 8 units?
Shirley – guessing that the multi-family, the flat, the 2 and 3 bedroom condos would make the most sense for the most needed entry levels and try to buy more of those down. We have 8 now and we will have 16 with Garfield County's assistance and that's wonderful.
Chairman Martin – the public needs to understand that this is not the ad valorem tax we are taking off property and giving to subside a developer, this is revenue outside of the stream and it doesn't come from the taxpayers dollar.
Commissioner Houpt – but it is public money and so my point on that is that there needs to be more discussion on discretion for only county employees. Can we do like ½ of the units.
Chairman Martin – no just that there's a preference for them and if they meet the requirements on other things, and are given preference that's what we need to do. Not saying we are restricting them to only put in county employees.
Commissioner McCown – and I'm sure that Shirley would not preclude the school district or BLM or Forest Service from buying down units and putting that same requirement.
Shirley – no we wouldn't. This helps us leverage more money.
Commissioner Houpt – thought she heard Geneva say there was some restriction and we can put our employees in the pool but Don correct me if I'm wrong but I'm not sure we can accommodate that. We are using public funds and feel uncomfortable restricting only to.

Shirley – that's not a problem and it would like a priority, first thing on the check list, if you work for the Garfield County and if you meet the other requirements then you get more points.
Commissioner Houpt – okay.
Chairman Martin – it's like the lottery and a point or two to use up at a certain time.
In favor: Houpt – aye; McCown – aye; Martin – aye.

CONSIDERATION RE: FURTHER AMENDMENT TO CR 117 CONSTRUCTION PERMIT – GRB 06 U-36 SPRINGRIDGE AT GLENWOOD SPRINGS DEVELOPMENT CORP.
CONSIDERATION RE: FURTHER AMENDDMENT TO CR 117 AND CR 125 CONSTRUCTION PERMIT – GRB 06U025 – SPRINGRIDGE AT GLENWOOD SPRINGS DEVELOPMENT CORP

Carolyn Dahlgren and Jesse Smith reported.
Jesse – they did a pressure test of the manholes on CR 117 and all but two failed and had to be recalled. Mr. Fitzgerald said we're on schedule for 117 before the July 30.
Program on CR 125 – Rippy Paving/Grand River Paving – no commitment to date on paving – it will be paved this season but need flexibility.
Asked to extend the CR 125 issue.
Oil on CR 125 is the only problem.
Motion needed on CR 125 to extend the deadline.
Commissioner McCown made a motion that we extend the construction permit until September 30th or a date at which the temperature reaches below 55 degrees and the chair authorized to sign. Commissioner Houpt seconded.
Discussion: Commissioner Houpt preferred a shorter timelines to encourage the job take priority and would feel more comfortable on a month by month extension basis; she would rather have the August date. There will only be two meetings in August; August 14 and 21st.
Commissioner McCown moved to continue until the 21st of August.
Commissioner Houpt seconded.
The temperature requirement is gone.
In favor: Houpt – aye Martin – aye McCown - aye
Executive Session – Affordable Housing – Code Enforcement and Personnel Issue
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session to discuss the aforementioned items. Motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.

PUBLIC HEARINGS: SPECIAL EVENTS LIQUOR LICENSE BPOE 2195, AIRPORT FLY IN ON AUGUST 4, 2006 4:00 P.M. 11:00 P.M. AND AUGUST 5, 2006 12:00 NOON – 6:00 P.M. – MILDRED ALSDORF
Mildred Alsdorf presented the request and the public notification.
Chairman Maritn swore in the speakers.
Exhibits – A & B were submitted for the record. Exhibit A – Application and Exhibit B - the notice/sign posted from the Regional Airport of Garfield County
Mike Whip and Jean Ellen were present, the Air Fair coordinators.
Jean explained that this would be a Friday evening and Saturday event. They want to have a Beer Garden as a major part of the show and will have seating all to be contained in Hangar I.
There will be Green Beret Jumping and Flour Drops. They will serve Beer and Wine. Budweiser Truck will be there for viewing but no serving. There will be a special area for the Beer Garden and they will have wrist bans. Servers to be able to have an option of asking for identification.
This is the same as we did last year and they are expecting more people. Hope to have 5,000 to 7,000 participants. On Friday night there will be a hangar dance. Over serving will be monitored by the server. Grand River Hospital District will be assisting since the Green Beret will be jumping. The dance will be a family event. Rifle Jet Center is leasing the hangar.
A motion was made by Commissioner McCown 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 special events liquor license for the BPOE 2195, Airport Fly In or August 4, 2006 4:00 p.m. to 11:00 p.m. and on August 5, 2006 from 12:00 noon until 6:00 p.m.
In favor: Houpt – aye; Martin – aye; McCown - aye

ABATEMENTS FOR:
Shannon Hurst submitted the abatements.
Chairman Martin swore in the speakers.

1. LINIT LIMITED FAMILY PARTNERSHIP

This is a Condo at Schmueser Plaza and they protested in 2006 and adjustments were made to the valuation based on information submitted by the petitioner. Therefore a portion of the taxes for the year 2005 needs to be abated. The abatement is for $28,705.65.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatement for Linit Limited Family Partnership, Schedules R31201555 through R312043 in the amount of $28,705.65 and the Chair be authorized to sign.

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

2. HERT DEVELOPMENT & MANAGEMENT CO & 1ST CHOICE INNS

This parcel was overvalued for the years of 2005 and 2006 due to a higher occupancy rate and a lower average room rate. This property is in transition as owners are attempting to stabilize income stream. The abatement is for 2005 in the amount of $15,760.07.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatement is for 2005 in the amount of $15,760.07 for Hert Development & Management Company and First Choice Inns, Schedule R020398 and the Chair be authorized to sign.
In favor: Houpt – aye; Martin – aye; McCown - aye

3. DOROTHY HUTTON

This parcel is located in Rifle and it was overvalued in relation to the income derived from the property, therefore a portion of the taxes need to be abated for the year 2005 for a total of $1,110.77.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatement for Dorothy Hutton, Schedule R361993 in the amount of $1110.77 and the Chair be authorized to sign.
In favor: Houpt – aye; Martin – aye; McCown - aye

4. TWO-BUX LIMITED

This parcel was overvalued for the years 2005 and 2006 in relation to the income derived from the property. Any alternative uses of the building is negatively impacted in the marketplace due to its design, therefore a portion of the taxes need to be abated for the year 2005 in the amount of $5,163.38.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatement for Two-Bux Limited Schedule R320082 in the amount of $5,163.38 and the Chair be authorized to sign.
In favor: Houpt – aye; Martin – aye; McCown - aye

5. HIGH COUNTRY ASSOCIATES, INC.

Owner provided a survey and showed a large portion of property was in wetlands and changed 2005 - $5090.53.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatement in the amount of $5090.53 for High Country Associates, Inc. Schedule R11932 and the Chair be authorized to sign.
In favor: Houpt – aye; Martin – aye; McCown - aye

PUBLIC MEETINGS: BEAR WILDLIFE-RESISTANT TRASH ORDINANCE PROPOSAL – SONIA MARZEC

Members of the Division were present, Perry Will, Bryan Gray and Dean Riggs and Sonia Marzec.
Colorado Division of Wildlife, Sonia Marzec provided the Board a draft of the ordinance to decrease the potential for negative contact between bears and humans by requiring wildlife resistant containers in certain circumstances.
Some areas of the County do not suffer bear-human conflicts while other areas are more familiar with living the problems of living in bear country. Sonia listed the Counties that have bear-proof, bear-resistant or wildlife-resistant ordinances in place or pending. Eagle County is pending but Pitkin County has an ordinance in place. Glenwood Springs has an ordinance as well.
Sonia said they had discussed this with staff and stressed some areas especially the west Glenwood area since there are problems in the area and it is so close the City of Glenwood Springs. Similar activity in the Elk Run Subdivision, had to kill three bears that were continually getting into trash.
Sonia recommended the areas and delineated those in pink on the map she presented.
It is the bottom of Midland to Oak Ridge. New subdivision areas are also something to look at.
Sonia – bear resistance ordinance is in place for Glenwood Springs.
Commissioner McCown – are these trash receptacles available for the homeowners.
The ordinance only becomes in effect if it becomes a problem. First step is to regulate the times the trash is out for pick-up.
Mark Bean – Sonia and Bryan approached the Building and Planning Department. In subdivisions where recommendations come from the Division they do include it in the conditions. Notice would be based on Township and Sections.
Jan pulled some of the Ordinances and they are mostly in municipalities. She also looked at County powers as they have not been given powers to regulate this ordinance. Eagle is working on their ordinance but Jan hasn't spoken it to him. Need more information and it appears it would under the 1041 Regulations.
Request – information on our website, a link to Bear information on their website and recommendations during land use regulations. In the Glenwood Springs ordinance the first time you got a notice and a second time a fine but would be waived if you purchased a wildlife trash container.
Jan – Eagle County is early in their process and she should have that this week and she will discuss how they worked through the 1041.
Put it on the website and put it on land use regulations.
Lou Vallario – State or DOW regulation that covers this – no.
Willing to help with education and enforcement and do whatever we can to work with DOW on this.
Commissioner McCown if we make it cost prohibitive to purchase trash receptacles, they will start taking it with them and dump in our ditches. He expressed his willing to work with the DOW and asked to let us do research it more and come back to you for the areas they would like to see it implemented in; can't support it county-wide because the justification isn't there but we'll work hand in hand and once we get to the point where we can or can't implement the ordinance we'll get back with you for input.
Commissioner Houpt clarified the contact person.
Chairman Martin - The IT Department and Jesse Smith, get it coordinated and hook up that link.

Continued Commissioner Reports

Commissioner McCown – Tuesday a meeting, the presenter was from LaPlata County on Oil and Gas Impact fees held at the Human Services Building, at the end of the day it was not directly related to anything we would think of as far as energy impact fees, it was more related to lands that LaPlata has created some real monsters down there, they created subdivisions without any access and the people were using service roads for access, lease roads and then complaining about the maintenance on those lease

roads, but in the creation of their 35 plus acre subdivisions there was no access to them. That impact system they set up in LaPlata County was, how are we going to maintain these lease roads when the oil companies leave. It really didn't pertain to anything that this County's been doing. In the afternoon toured the freeze wall that's in the process of being constructed by Shell, this is the larger scale football size freeze wall, they are behind on their drilling, was hoping to putting in the coolant by November but not sure about that schedule. Wed, Associated Governments, Northwest Colorado in Rifle; Thursday, the Severance Tax Oversight Committee in Denver and that went well for the Western Slope, the consensus was and there was a lot of the staff at DOLA who had done a tremendous jog of , sorting, presorted and classifying employees; we went through and clearly eliminated a bunch of those employees that were administrative in nature and in the glass palaces around the various parts of the county that were not in the field so that everyone Statewide this year are playing on the same grounds, all the employees that were counted are field related employees, the subcontractors did get counted this year, the Halliburton slumber jays, Nabors, so the numbers are going to up considerably which will lower the dollar amount per employee, but I think Garfield County will still fair pretty well. Looking at the preliminary counts, they didn't have any numbers to apply to it yet but we will see within a couple of weeks a version as to how the count will be applied and the checks issued by August 31, 2006. This is both federal mineral lease and severance tax. According to Steve Colby the fund had gone from $11.5 million last year to $14 million this year, so there will be another $2.5 million in the funds. That will help defray the increase number of employees and the dropping of amount per employees. Every town in Garfield County had some employees. Carbondale one was a miner working over in the Paonia area.

Chairman Martin – also attended the meeting on the impact fees and their Commissioners are not even reviewing the 35 acre parcels being divided up into smaller parcels without water and access, they chose not to. Wed went to Washington DC in reference to a request from the National Association of Counties, CCI and Western Interstate Region to represent Garfield County, Colorado on the proposed legislation to help with the beetle infestation and the elimination of some of the wildfire mitigation. We met on an historical note in that we had every elected representatives from Colorado in Washington in the same room at the same time discussing one issue and coming out with one agreement that their chiefs of staff and they as elected will work with the local grassroots level and starting with the local governments from municipalities to counties to industry, environmental groups, state and local agencies to come up with one single piece of legislation to address the issue of mitigating a lot of the beetle kill and what we can do to help save and protect the forest we have left. 60 to 80% of the forest in the White River and different areas will be gone within 5 years – we need to act now and so the legislation is scheduled to be completed, again this will be with everyone's participation, in about 10 months and that delegation will meet in Denver working with the teams we have established with priorities and how to approach it to be successful so that we can take it to the western United States and then to the rest of the Country. It was agreed to work with this as one Bill and not three Bills as proposed. This will be called *Blue Denim* because once the tree is dead it turns blue. Public lands meeting on CCI and steering committees with special session and proposed legislation for 2007. Burning Mtn Days in New Castle on Saturday and condolences to Laverne "Bubble" Starbuck for passing of Frank, a great guy, born and raised in Garfield County, lived upon the ranch all his life and a horse accidentally kicked him but his last words were it wasn't the horse's fault. He served on the Fair Board and Library Board. Another parade on Saturday in Parachute at 10 a.m.; tomorrow evening at 6 pm at the Community Center in Palisade, Garfield County has been invited to attend the 3rd meeting about oil and gas to discuss that as a region with Palisade, Mesa County, Grand Junction and other small towns to discuss that, the OGCCG will be there and give a presentation, then it will be open up to elected official questions and then to the general public questions.

PUBLIC HEARINGS: RUST, BRIAN AND TANNI – SPECIAL USE PERMIT TO CONSTRUCT AN ACCESSORY DWELLING Unit (ADU) IN THE FLOODPLAIN AT 335 VILLAGE DRIVE – RICHARD WHEELER and
RUST, BRIAN AND TANNI – SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT AT (ADU) AT 335 VILLAGE DRIVE – RICHARD WHEELER

Richard Wheeler, Tanni Rust, Jan Shute and Mark Bean were present.

Jan Shute reviewed the noticing requirements for the public hearings for both this Floodplain and the SUP 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 for the record:

Exhibit A – Mail Receipts, Exhibit B – proof of publication, Exhibit C – Garfield County Zoning Resolution of 1978, as amended; Exhibit D – Staff Report dated 7-17-2006 and Exhibit E – Application for the Special Use Permit.

Richard stated the property is 8.49 acres in size and in the ARRD zone district.

Description of the Proposal and Background Information:

The project site is approximately 8.5 acres, located in the Rifle Village South Subdivision. This portion of the county is located within a delineated floodplain area and requires a floodplain special use permit. The property is gently sloped in a northwesterly direction without any defined drainage channels or watercourses. Village Drive provides access on the southern property boundary. The property currently has a driveway and a single family residence. The proposal is for an ADU - to the west of the existing home.

The January 3, 1986 Flood Insurance Study of Unincorporated Garfield County, produced by FEMA, identifies the site as lying in Zone AO of the floodplain. The AO floodplain is an alluvial floodplain fan with a shallow (1 foot) flooding depth. The source of the floodwater is Helmer Gulch. Alluvial fans do not have distinct watercourses and the path of flooding is unpredictable. The floodplain mapping conservatively assumes blanket coverage over the entire alluvial fan including Rifle Village South Subdivision.

The existing ground elevation at the proposed ADU was surveyed at an elevation of 5,344.6'. The flood elevation is one foot above the ground elevation. The finished floor elevation must be constructed at 5,346.6 feet in order to be one foot above the floodplain elevation (no basements are to be constructed).
The application addresses and fulfills all the criteria for building in a flood plain. A signed and stamped statement has been provided from a licensed engineer stating that all construction will be safe from flooding and that no additional permits are required from state or governmental agencies. The project is not located within a floodway and does not propose altering a watercourse, nor will it alter the capacity of the watercourse.

Recommendation:
It appears the application completely and adequately addresses the above zoning regulations. Staff recommends the Board of County Commissioners approve the Rust floodplain special use permit application for construction of an ADU in the floodplain with the following conditions:

1. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. That the Garfield County Zoning Resolution of 1978, as amended, and any other applicable state or federal laws concerning the 100 yr. floodplain, be complied with.
3. That all State and Local health standards be complied with.
4. That a flood elevation certificate, signed and stamped by a licensed engineer or surveyor (in the state of Colorado), be submitted to the Garfield County Planning Department prior to issuance of a Certificate of Occupancy.
5. That once the foundation has been staked, the existing ground elevations shall be surveyed by a professional land surveyor.
6. That all building improvements be installed consistent with the Garfield County Building Code and that the finished floor shall be constructed at least two (2) feet above the existing ground.
7. That in approving this Special Use Permit for construction of an ADU in the Floodplain does not guaranty the separate Special Use Permit for the actual ADU is approved.
8. Add – all proposed construction will be properly anchored whether in the building code or not.

1. Special Use Permit for an ADU

2. The Applicant requests the Board of County Commissioners grant a Special Use Permit (SUP) for an Accessory Dwelling Unit (ADU) located in the Rifle Village South Subdivision. The proposed ADU will be a less than 1,500 square feet and will be available to leasehold interests only. A separate driveway is proposed for the ADU, approximately 48' west of the existing driveway currently used for the Rust residence. The proposed ADU is in the floodplain. A Special Use Permit for the residence has been obtained by the Applicants. The same requirement shall be met for the ADU.

A separate access drive is proposed to serve the ADU. The proposed driveway is approximately 48' west of the existing drive serving the Rust residence. Garfield County Road and Bridge department has issued a driveway permit for the ADU (#GRB05-D-60).

The proposed ADU is in character to the surrounding properties and should not adversely impact surrounding owners. 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 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 Rifle Village South Subdivision. This requirement is not applicable

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

3. 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 meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements
4. The gross floor area of the accessory dwelling unit shall not exceed 1,500 square feet.
5. The accessory dwelling unit shall not be conveyed as a separate interest but may be leased.
6. Prior to issuance of this Special Use Permit, the Applicant shall successfully obtain a Special Use Permit from the County to construct the ADU in the floodplain.
7. 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.

Commissioner McCown made a motion to close the public hearing. Commissioner Houpt seconded. Carried.
Commissioner McCown made a motion to approve the Special Use Permit request to construct an Accessory Dwelling Unit in the Floodplain for a property located at 335 Village Drive, Rifle Colorado; with the conditions 1 – 7 proposed by Staff adding No. 8 that all proposed structures will be properly

anchored.
In favor: Houpt - aye Martin - aye McCown -
4. Commissioner McCown made a motion to approve the Special Use Permit request for an Accessory Dwelling Unit for a property located at 335 Village Drive, Rifle Colorado, with the conditions proposed by Staff removing No. 8. Commissioner Houpt seconded.
5. In favor: Houpt aye; Martin - aye McCown - aye

REGULAR AGENDA
DISCUSSION OF MEADOWS DEVELOPMENT (AFFORDABE HOUSING) – RANDY RUSSELL AND GENEVA POWELL
This discussion was continued from the July 10, 2006 meeting. The total size of this development is 320 units but 120 units that are characterized as affordable housing and in order to make this work, the developer's need some help and are here today to talk about it.
Chairman Martin – and the help is also coming from Glenwood Springs in one way or another and that's why Jeff and the Mayor are here.
Geneva Powell, Ed Green, City Manager Jeff Haskell, Mayor Bruce Christensen, Robert McGregor with Glenwood Meadows and developer and partners Arnie Poroff and Matt Palm partners from Spruce Reality Group. They were chosen for this work in affordable housing projects and have the capability to work in this arena which is rather complex.
Arnie – gave his personal history stating he is a resident in the valley and resides in Aspen, property management and excess of 15,000 units and emphasis on affordable housing. 2% vacancy in the County. The Housing Authority has a waiting list of 150. The Linden Project funded by tax credits in Grand Junction was referenced.
The handouts included a potential resident analysis and shows the current jobs in the City/County by income level, the number of residents, households and who have the 60% and 40% of income. The total cost of the project will be $28,000,000. The Housing Authority will have a specific percentage ownership. The City and County's support would be each $1,871,421. A comparison between an affordable housing developer and a conventional analysis was projected. The average monthly rent would have to be $1900 per apartment. The Glenwood Meadows rent would compare at $1200. The request for assistance from the County was made by the developer.
Geneva Powell – Matt has been working with a Board member to come up with the agreement between the two entities. We would be a very limited liability partnerships like at 1/10th – a special limited partner.
Chairman Maritn – out limitations would be that we would have to go through the Housing Authority as well and couldn't directly give money to the developer and would require an agreement between the County and the Housing Authority.
Geneva – legally the Housing Authority is able to be a special limited partner with them and a partner with anyone who wants to put into it. The Division of Housing will be putting money into it through the Housing Authority also.
Ed – the million dollars is paid out in 15 years?
Arnie – actually it depends upon where interest rates settle out and when we close on the permanent financing. Our model has Geneva earning about $750,000 in her fee and a cash flow percentage throughout the 15 years and then upon sale, they would be credited $750,000 as equity to buy the asset or as cash out when it sold.
Commissioner Houpt – this gets very complex with all the different housing scenario's, that's a benefit for the Housing Authority in managing the rental units that are affordable, different benefit than you would get in participating in for sale units or would be there be a different level.
Geneva – because it's rentals, it continues to give a cash flow to the Housing Authority and that money could be used for other partnership in affordable housing whether we continued with the rentals or do something for sale. Once the money comes to the Housing authority it comes to us as admin money for affordable housing and then they can chose what to do with it. When we do the affordable housing we don't draw a fee on that – we take a 2.4% like a realtors fee at the resale not the initial sale of a unit and the money contracted for the County is what covers our admin money and our advertising and our legal fees.

This is a way to expand our revenue source to help us with affordable housing. Our waiting list in only about 3 months long but it will get longer because there's not stock.

Bruce Christensen – we are aware of the real shortage of affordable rental housing in this part of the County and has been very impressed with this developer because their package includes a lot of other components that will add real value for the tenants and they have an incredible history as well. The City Council will revisit it and hopefully can find a way to the County and the City be able to make this thing happen.
Chairman Martin – the County took a step this morning in Keator Grove and made an initial offer to buy down certain units and offered $10,000 per unit. If we have that and can identify the money outside the property tax.
Ed as of July 13th, in the general fund we have $3,359,000 that we can clearly say is not derived from property tax but as Don pointed out some of that may be designated for sales tax but I think we can be assured that we have at least $1 million.
Chairman Maritn – we through out the challenge that instead of continuing to talk about it to do something.
Commissioner Houpt – would like to start talking about a comparison of this project with a project that we invest in for units that are for sale, and also have to factor in the benefits recycled back into the Housing Authority which is something that we haven't talked about in the past because we've never compared the investment of monies into for sale units versus rental units. It sounds like we generate funds that can then go to administration that can be used for future programs. How can those monies be used in the future. What restrictions would she have with it?

Geneva – the initial money that we get from the partnership is money that comes to the Housing Authority for services provided them. The Housing Authority is dedicated to, as long as we can keep our overhead down, then the admin money is being put into an affordable housing fund to be able to take that money and help leverage it like with Division of Housing. The Housing Authority is moving into the same arena as the Keator Grove. It would cover admin fee and part of the benefits for staff who work on it. Any extra money that we produce through any affordable housing or rentals through you, or the 2% for resale, is being put in an affordable housing fund. The Housing Authority will have first right of refusal to purchase this property if it ever came up.

The Average size of these units is 885 square feet; the 1 bedroom (12 are 680 sq feet the balance of those are 700 sq feet; the 2 beds 885 sq. feet and 3 beds are 1,012. The 2 bedroom and the 3 bedrooms are 2 baths.

Ed – in addition to the $3,359,000 we are going to over achieve in our budget in general fund and Pilt is one area, $165,000, extra $700,000 and interest income $675,000 for a total of $1,540,000 so that makes the total amount available by the end of this year $4.9 million.

Once the sales tax is broken out we don't know.

Ed said clearly you have at least $1,800,000 probably more in to the $2 and 3 million.

Commissioner Houpt – historically Counties haven't been as engaged in this discussion as municipalities because of the location of affordable housing so we are just at the beginning stages of trying to figure out how to be partners in this type of development and I certainly believe with something that is going to provide so many units for people in this area who desperately need housing we really need to be involved and I'm learning new things every time we have these discussion because I'd never looked at the different benefits of investing in rental units versus for sale units and whether that should be a part of the equation or not or whether we should treat it differently or just have a standard policy of contribution across the board. This is certainly a policy discussion we're going to have to enter into but right now, I want to be involved in projects that are ready to happen so that we can actually get something on the ground as John said. I was taken back by the original $2.3 million but then I feel real comfortable with $10,000 per unit this morning with Keator Grove and now we're looking at $15,000 per unit as a request, which if you factor in the benefit of having rentals and the benefit to the Housing Authority in the long term.

Chairman Maritn – don't forget about those vouchers that we'll be able to use now that we didn't before and those are very important and have been just sitting there and no use of them and we've been turning them back.

Commissioner Houpt – wants to take a pulse of this board by putting a motion on the table.

Geneva – as a steward to the County, apart from what I feel about the development in my partnership with the development, it is exciting to see that the County Commissioners discussing a partnership with the city to bring a development like this and I appreciate that and I want you to look at this development and there are a lot of developers out there and so this has been in the newspapers and was discussed last Monday, some developers have come forward and have made comments both good and negative about why you'll put money in one development and not put money in another development and I want you to know it's out there and think what's going on in Glenwood because it is in Glenwood, the County seat, it's where things are happening in the County and if we don't put the rental units here, there's not going to be another chance for a development of that size in this area, I don't believe. But it is your money and feel an allegiance to you outside the partnership that I have with the development if this is the development you chose to look at the engineering and to look at the Performa to talk with the City and make sure it is the partnership that you want to go into.

Commissioner Houpt – we will want an independent engineering review of the building and the location has always been….

Chairman Martin – we'll need to go over more and more details. He reminded Tresi that we're still thinking about and work with the Town of Carbondale and also and another project so.

Commissioner McCown – a question on the Lowe's corporate benefit, is that something there going to deduct if you buy all the building materials.

Arnie – they have a division within Lowe's that takes your plans and they take off and everything available that they sell in one of their store locations we would have access to which is ground up so it becomes available through the purchase of quantity and purchases and in some instances they may even supply some of the personnel in limited areas, so they offered us a 10% discount across the board discount from their standard pricing. So we did a quick analysis and that number of $450,000 is our analysis and it could be more or less.

Commissioner McCown – then the bill would be approximately $4.5 million and then the 1% development tax would also apply on that $4.5 million? If it were sold through Lowes.

Arnie – the materials would probably be more like of $10,000,000 so we were being conservative sales tax applied.

Commissioner McCown – on that particular development there is a1% tax that goes back to the developer on everything that's purchased in that development. It's called a development tax. Who does it go to?

The Bond holders.

Commissioner McCown – are they in any way connected to the developer?

Andrew McGregor – the developer does own some bonds.

Commissioner McCown – do they go to retire the debt on the bonds?

Andrew McGregor – it's called a public improvement. Yes.

Commissioner McCown – then who would that benefit? The developer who is at the table today.

At $10,000,000 sale through Lowes, would generate 1% tax back to this retirement of this bond, do the math, that doesn't show up no here anywhere. The $450,000 at Lowe's giving you shows up, where's that sales tax show up?

Andrew McGregor – the senior bonds Larry and owned by people who are willing to buy them. The junior bonds are any owned by the developer because no body else would buy them on the open market. The senior bonds were sold through …

Commissioner McCown – and I don't really care who owns them but that's who's the retirement of bonds….

Andrew McGregor – the things like roundabouts on the interstate, the junior bonds we can sell to anyone but they're fall too risky and we have to buy some of those ourselves.

Commissioner Houpt – are you guys, I've seen some preliminary discussion from the city, but are you meeting on this discussion?

Jeff Haskell – at a staff level, this same group of people have approached us, is it now gone to the City Council at this point and time and based on our conservation with this group, after this meeting, that it will come before the City Council but now sure exactly how it will be packaged, but certain it will come back to City Council for consideration.

Chairman Martin – to be brave enough and not fall into a folly on this issue but living up to my word and hoping to get involved in a project and get in going, would you entertain a motion in reference to a partnership of about $1,200,000 with being safe and figuring up with our $80,000 plus our other project that may or may not go in Carbondale and possibly…

Commissioner Houpt – the only hesitation I have is that there are some real benefits with the rental components so I was even considering splitting the pot and going up to $12,500 per unit. Would you….

Chairman Martin – I'm looking at the future of units in a project in Carbondale and don't want to deplete the well.

Ed responded that the handout tells you what we're going to achieve over and above what we had projected for your fund balance

Commissioner Houpt – don't want to deplete the budget; the original need; please explain how you got from the $2.3 million to the $1.8 million that you requested of us.

Arnie – the developer put in more money. We're at $2.7 I believe from the developer's side and we increased the contribution from the developer's side. The funds we're requesting will probably fall into next year and not sure how that will be considered.

Commissioner Houpt – what we're struggling with is an equity issue. Do we allocate the same amount of money per unit to any project that comes in front of us or do we look at for sale units differently than we look at rental and we don't have a policy in place on that issue so it's at the discretion of this board right now on how that comes out.

Arnie – if it helps at all to try and distinguish between for sale housing that you've mentioned and this particular case, because of the way the funding has been achieved through Chafa and would be DOH as well, we will have in place affordable housing, restricted rents for 55 years and asked for the board to take that into consideration as well. The 15 years is a window for pursuant to the tax credit requirements under IRS, that's when you could see the project to someone else, but it does not take away from the rents restriction requirement and so that's going to be in place for 55 years. Yes the rents will change pursuant to the medium income at it changes as well, so as you look at this project I would hope you would consider the sustainability of good housing inventory, affordable hosing inventory.

Chairman Martin – that's not the issue for me.

Commissioner Houpt – it's one of the issues for me.

Arnie – I think the City will enjoy something in excess of 1,000 residents when all the Phases are completed. And not sure of land available in the valley but he hasn't found it yet that will accommodate that many residents.

Commissioner Houpt will put a motion on the table and differently because of the economy of scale issue, because of the number of people who are being served because it's rental instead of on the affordable house sale, and will make a motion that we become a partner in this development and contribute $12,500 per unit which would bring our contribution to level up to $1.5 million dollars.

Commissioner McCown – any conditions?

Commissioner Houpt – yes there are several conditions. One is that we have our own independent engineer review of the project and it's also pursuant on a comparable level of partnership from the City and

Chairman Martin – and that all monies go through the Housing Authority that we have an Agreement with them as well. And hopefully we will have a full review of the project, not only the 120 units, but the 300 units that are proposed and possibility of looking at the future.

Ed asked if we could defer this until 2007.

Arnie – I would say 1st quarter of 2007.

Don commented on that because we have constitutional issues both Tabor and otherwise and statutory issues committing funds that haven't been appropriated yet. So while you can make a verbal commitment to that you could not sign a contract at this time to pay monies that haven't been appropriated. You could for instance, appropriate, fund the commitment today but put restrictions on the transfer the funds to a later time. That would meet your Tabor requirement of fully funding a project up front; you could for instance transfer the funds to the Housing Authority and then let them control disbursement at a later date.

Commissioner Houpt – in my mind that would be a cleaner way of doing it.

Don – any motion is contingent that they would actually build the project that's represented.

Chairman Martin – and that we really do have the appropriate funds to transfer through identification.

Commissioner McCown – seconded.

Chairman Martin – scared about depleting the well but if I don't do something positive, I have egg on my face.

In favor: Houpt – aye Martin – aye Opposed - McCown – aye.

EMS Training – Jim Sears

Jim Sears has expressed concern that we need as a group including the Commissioners, Ed, Don DeFord and other elected to complete our EMS training that's the 100 and 400 course and the reason is because it can affect grant money that we might receive from the state if we don't completed. That training has gone to Video where you look at it on your own. There is a test involved and you receive a Certificate of Completion.

Everybody who's been part of the commission and yes all elected officials have to take the EMS training.

Meeting Continued

Continue until July 20 at 8 a.m. Board of Equalization
and
Continue July 31 at 8 a.m. for BOCC and Board of Equalization
Then the
Budget kick-off meeting.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

JULY 20, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The special discussion of the Board of County Commissioners began at 8:00 A.M. on Thursday, July 20, 2006 with Chairman John Martin and Commissioners Tresi Houpt and Larry McCown present. Also present were County Manager Ed Green, County Attorney Don DeFord, and Mildred Alsdorf Clerk & Recorder.

Special Meeting Date Settting - Issue on the Gravel Pits

Preliminary Minutes from the July 17, 2006 meeting were distributed.
Ed is receiving conflicting directions and passed out the information and the Commissioners read the minutes.
Ed Green joined the meeting.

Don said his understanding at this point is that Ed has given direction to Fred to prepare an analysis in the form of a white paper and Ed's direction was given after consultation with John and Tresi's understanding is that at least as of yesterday that Ed was to be organizing a meeting of stakeholders. I will just tell you after reading these minutes it doesn't appear to me that if any direction was given and there was not vote, that if any direction was given neither of those is consistent with the discussion. That's just my perception. At this point, the question is because of the confusion, is there a need to give official direction by the Board on this issue which requires a vote of the whole board or is direction clear at this point and there's no need.
Commissioner Houpt – I think a representation was made as I read that this that we would – all the way through this John supports the notion of a meeting and putting a stakeholder list together and if I had thought there wasn't some sort of support in moving forward on this meeting I would have thrown a motion out there, I thought we were, I thought that's what these three pages covered, the notion of having a meeting with all of the stakeholders so that everybody can brainstorm on these issues together. And so if there's any confusion in that, I absolutely think we need to have this in a public meeting and I think it needs to happen sooner rather than later and I would push for the 31st. But I haven't heard from John and Larry so I don't know if there's confusion on this.
Chairman Martin – in my interpretation and the last statement is that we'll put our facts together and see exactly what we're looking for. What kind of subjects are we looking for and that's why I asked Fred to put a list together on the approval process so that we can bring it back, discuss it as we have in here to set perimeters to see where we can or cannot go and discuss that matter. If we do that and agree that these are the perimeters we wish to discuss and wish to go forward then we would make that decision at the next gathering or next meeting on it after the fact-finding issues was done. Do we need to go forward or not and so that's what I asked Fred to do so that we could share that information and all be working off the same page and not invite the entire world at this point because we don't know what we're going to be discussing because it's again a fine line if we have an application and we try to change the rules while that application is in the pipeline is wrong, so we have to make sure. We have to stay within what we are cautioned by our Attorney to do so and that's on the record to make sure. If there's an issue outstanding and we all agree it needs to be discussed then we can go forward. And that's what I wanted to make sure was to make sure we had enough information in front of us working off the same page and that's what goes back to the last one. That's my intent.
Commissioner Houpt – And I certainly don't disagree with you that we should have information and preparation for a meeting, but I've two concerns about this approach – one is that when we met in Rifle with the Rifle City Council it was represented that we would put this type of meeting together and we haven't yet. And this discussion clearly represents that we will work on putting a meeting together. I don't disagree that we need to come to that table with strict direction from our legal counsel and all the regulations that we need to be reminded of by our building and planning department, that's a responsible way to enter into that discussion but I clearly believe that we have made a representation in two meetings that we will move forward with a fact-finding meeting with the stakeholders.

Ed – what I heard at the last meeting and see here in the minutes I have grave concern about a public meeting that would compromise the integrity of the County Commissioners.
Don – asked to hear from Larry. All I'm asking is should we have a meeting and if so what day but I'm not trying to have a substantive discussion.
Commissioner McCown – I guess the best way to let you know where I'm at is in the last two comments on the last page; that is clearly where I thought this discussion was left. The direction that John gave to staff and however that got to Fred to go forth and look at our present regulations, our Comp Plan, create this white paper, see where we're at, see if there's a problem with it, I look at that as part of this let's discuss it and see where we're going to go if we schedule a meeting. I did not leave the Rifle meeting thinking that there was a responsibility on our part to put together a meeting or all the governmental entities, all of the concerned citizens and all of the gravel pits. That was a point of discussion but I did not leave there feeling that was our responsibility to do. And I don't think that I left the meeting Monday, thinking that there was going to be a meeting set up immediately, I thought we were going to look at what possible issues we were going to discuss permitting being one of them, impacts being another, I don't think we're qualified to discuss impacts because we have the technical expertise and then whatever agenda we set, that was what was going to be followed at this public meeting. How notification was going to be handled, I had a real concern and I mentioned that and it shows up here in these minutes. How are we going to get the word out to all of these players in this event? So I anticipated that further discussion would be had on the ground rules, the agenda, the notice – it wasn't just a done deal that Ed go out and make this happen, I did not see that coming out of the meeting Monday or I would have set forth a motion.
Commissioner Houpt – well what I heard yesterday was that there was not going to be a meeting and this last comment was I can meet with Ed and talk about an agenda and stakeholders.
Commissioner McCown – you certainly can but the meeting will not be set until there is a motion put forth and this entire board votes on it. And we all have a look at an agenda and that agenda will be followed and number one whether or not we can participate in that meeting, given the agenda and the points of discussion, will be a part of discussion when we start to set the meeting.
Commissioner Houpt – well absolutely, I think Don raised that yesterday.
Don – I will tell based upon what Larry said just now, that's consistent with what I believe the direction given on Monday, that you're to meet with Ed, with that meeting and other resources is do develop a draft agenda, a list of the people for entities to be involved, ie the stakeholders and bring that back to the whole Board for further action. Now, if I had to say any direction came out of this meeting, that's what I would say your direction was.
Commissioner McCown – that's
Don – the Board needs to vote on that issue and we can't do that today because this is not a Board meeting. We need to set a meeting of you need to vote on that; if you do not need to vote on that then we can go forth and bring it back in that frame.
Commissioner Houpt – well, I'm fine as long as I know that we're working on an agenda and working on a list of stakeholders that will bring back at our next meeting so that we can move this forward, if that's not the case, then I do need ask that we put this on the 31st.
Commissioner McCown – well, the stakeholders – I can you all you can do Tresi is invite stakeholders, stakeholders do not have to come if they chose not to.
Commissioner Houpt – no, stakeholders to invite.
Don – my understanding is Fred's analysis that would be incorporated in the matters to be brought back to the Board would be sometime in September, is that …
Ed – why would we arrange a meeting before we have the information from Fred?
Commissioner Houpt – No, then we do need to agenda this for July 31, 2006 to talk about because we're talking about a tighter time frame, it's not fair to the applicants to have this up in the air for two or three months. We need to address this.
Commissioner McCown – why would it be a concern to the applicants? There are zoning in place, the Comp Plan is in place, it was the last one that was reviewed, why would it be up in the air for the applicants?
Commissioner Houpt – well because there is a lot of controversary going on right now.
Commissioner McCown – there's controversary in housing issues as well but …
Commissioner Houpt – well, it looks like we are dragging our feet folks to be quite honest with it – well and this is a public discussion and I don't want to go there.
Commissioner McCown – and this is a public format.
Commissioner Houpt – well it's not agended.
Don – do you want anything on this issue placed on the agenda or do you want to call a special meeting to discuss this issue prior to the 31st.
Commissioner Houpt – I want it on the agenda at our next meeting.
Commissioner McCown – the 14th of August.
Commissioner Houpt – no.
Don – the next regular meeting is...
Commissioner Houpt – no, at our meeting on the 31st of July.
Don – that's one Commissioners view, I'm not listening for how to set the agenda.
Commissioner McCown – well we know that – and that will be for the setting of this meeting.
Don – setting of
Chairman Martin – no
Commissioner Houpt – it will be for defining
Don – it will be for giving direction to the staff on how to proceed on this issue which is essentially the discussion we just heard in a proper meeting with a vote.
Commissioner Houpt – well, we didn't talk about a September date for getting a report back from staff and that changes my interpretation of where we were going on this completely. So, I have real problems with that.
Commissioner Mccown – what are the time frames we have on the 31st?

Don – on the 31st we have a 30 minute hearing from 8:30 to 9 on floodplain regulations; from 9 – 10 Forest service on Roadless Initiative and Beetle Kill – (needs to be tightly limited to that hour, per Don) at 10 o'clock we start our first BOE Hearing, we then do four of those in succession, ½ hour time frame, some of those in fact may not have any time, because of the no shows, so technically we are scheduled to noon, and I think we ought to plan on one or two additional ones in the afternoon, probably starting at 1:00 or whenever you want to start after lunch. It's your schedule.
Commissioner McCown – so for purposes of scheduling if we schedule it for 1:00 p.m. and it went later than that if there were BOE hearing and it went later than 1:00 p.m. are we in violation of our notice.
Don – it's like a regular hearing agenda, technically you start at 1:00 p.m. and you may not hear folks until 5:00 p.m.
Chairman Martin – lets do it and have that direction to staff. If we need to set the perimeters officially, we do so.
Don – we'll put official direction to staff on planning gravel mining.
Ed stated that Fred is going away in August for 3 weeks on vacation.
Commissioner Houpt – we know for sure that we want those facts completed and in front of us – I'm having heartburn with the September deadline.
Commissioner McCown – do you see the need for Planning and Zoning to look at this?
Chairman Martin – oh definitely. If there's any kind of change they have to make a recommendation.
Commissioner Houpt – oh absolutely. To look at what though? To what extent?
Commissioner McCown – to look at the regulations we have in place to see if they feel they are adequate.
Chairman Martin – that's part of the discussion.
Commissioner Houpt – well, if it's….
Commissioner McCown – as part of the discussion before we go back out to the different entities.
Commissioner Houpt – well, I don't know how necessary it is because we're not going to be making any decision in this roundtable discussion, we're going to be on a fact-finding mission.
Commissioner McCown – well the fact-finding mission may lead to changes and this is where I'm having a problem because if you use your fact-finding mission to drive land use issues then can't be at those meeting.
Commissioner Houpt – well, we definitely want to know what's in place with our regulations and why those regulations are in place.
Commissioner McCown – right.
Commissioner Houpt – I totally agree with that.
Ed – so none of you interpose an objection to Fred proceeding with an inventory of the permitting perimeters.
Commissioner McCown – no, I think it's great.
Chairman Martin – that's why I thought it was critical that we have that information before we enter into any discussion so everybody understands what we have to go through, to make sure we're able to answer questions at any meeting, and that's why I though it was necessary.
Commissioner McCown – and then there will be some, once we see the agenda and the perimeters of the discussion there will be discussion by this Board on whether we want to approving that particular agenda and if that's how we want move forward.
Chairman Martin – absolutely, it has to be that way, there may be things we forget or have too much detail that our attorney red and leans way back.
Don – I've been know to do that.
Commissioner Houpt – we don't want him to turn red and fall out of his chair.
Adjourn
Attest: Chairman of the Board

_____ _____

JULY 31, 2006
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 31, 2006 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

REGULAR AGENDA
PUBLIC HEARINGS: REQUEST FOR A ZONE DISTRICT TEXT AMENDMENT TO ALL OF SECTION 6:00, FLOOD PLAIN REGULATIONS AND ZONE DISTRICT AMENDMENT TO ADD A FLOOD PLAIN OVERLAY TO AREAS ALONG THE COLORADO RIVER. APPROXIMATELY 1.0 MILES EAST AND 1.0 MILES WEST OF THE TOWN OF SILT – MARK BEAN
Mark Bean and Don DeFord were present.
Don DeFord 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; Exhibit E – Proposed Resolution of Approval for amendments to Section 6, Floodplain Regulations of the Garfield County Zoning Resolution; Exhibit F – Proposed Resolution of Approval for amendments to the zone district of certain properties adjacent to the Colorado River one mile east and west of the Town of Silt; Exhibit G – Flood Insurance Study and Flood Insurance Rate Maps (FIRM) numbers 0802051091C, 0802051092C; and 0802051111C, prepared by the Federal Emergency Management Agency (FEMA), dated August 2, 2006. (The actual study was submitted) and Exhibit H – Return Receipts. Chairman Martin entered Exhibits A – H into the record.

Mark stated that in March of 2005, the Planning Department was provided copies of proposed new panels of the FEMA Flood Insurance Rate Map (FIRM) for the Town of Silt and areas approximately 1.5 miles east of the Silt Town Limits and 4.5 miles west of the town limits. This study was initiated by the Town of Silt and in the process; the engineers analyzed the areas outside of the Town limits to identify a Zone A for areas in the unincorporated area of the County that had not bee previously mapped by FEMA. As a part of that process, FEMA is requiring that the County adopt these maps for Flood Insurance purposes and update our regulations to be current with the latest definitions and interpretations. The County is obligated to make these amendments to remain eligible for the National Flood Insurance Program (NFIP). If the County were to discontinue participation in the NFIP, anyone having flood insurance presently would no longer qualify and anyone wanting a federally insured loan that requires flood insurance would not be able to get the loan.

Staff had originally planned on incorporating these amendments to the maps and the regulations into the Code Revision. It is apparent now, that we will not make the August 2, 2006 deadline noted in the attached letter.

The Floodplain Regulations had been a subject of discussion and some concern during the recent work sessions of the Planning Commission, staff made a recommendation to revise the existing regulations now to be consistent with the current FEMA model regulations. The biggest difference in the proposed regulations and the current regulations is in the process. The present process requires a Special Use Permit, which requires a public hearing before the Board of County Commissioners. The proposed process is an administrative permit process, with call up provisions to the Board of County Commissioners. There are a number of changes to the definitions and some of the criteria to determine whether or not an activity should be allowed in a flood plain. The one area of concern expressed by the Planning Commission regarding the minimum elevation of a residential structure above base flood level has remained at one (1) foot.

The property along the Colorado River will have a Zone A designation on the FEMA Flood Insurance Rate Map, which will affect their flood insurance Zone A is defined on the maps as an area with "no base flood elevation determined". FEMA has prepared Flood Insurance Rate Maps (FIRM) numbers 0802051091C, 0802051092C; and 0802051111C for public use to determine flood plain designations in the area. Staff discussed this issue with the FEMA representatives and their explanation is that these areas are based on previous studies that have not been confirmed by current studies. The entire Colorado River was studied by the Corps of Engineers in 1986, but it was never confirmed by the State and presented to the County as being valid information for adoption as FEMA floodplain maps. The Zone A designation according to the FEMA representative may provide some relief to the flood insurance premiums some people have presently, but should not result in additional premiums. It will require any new construction to meet the standards for construction within the floodplain.

Recommendation:

The Planning Commission recommended APPROVAL of the application for a zone district text amendments to Section 6, Floodplain Regulations and the zone district amendments for a flood plain overlay for properties located adjacent to the Colorado River 1.0 miles east and 1.0 miles west of the Corporate limits of the Town of Silt and as shown on Flood Insurance Rate Maps (FIRM) number 0802051091C, 0802051092C; and 0802051111C, prepared by the Federal Emergency Management Agency (FEMA).

Staff is also requesting if the Board approves this to authorize the chair to sign the Resolutions as they have to have them to FEMA by August 2, 2006. FEMA is requiring us to adopt these regulations.

Commissioner Houpt – why is it just for a mile east and west of the area.

Mark – the engineers who did the study for the Town of Silt were required by FEMA to go one mile east and west of Silt. That's all they were required. They were not required to take the entire Colorado River from Glenwood Springs basically west to Parachute. We do have mapping as noted earlier that was from 1986. My understanding is that we will actually see the rest of the mapping presented to use probably within the next year.

Commissioner Houpt – 1 foot versus 2 feet above the elevation of the floodplain and the debate as to what makes more sense, how is it that we are at the 1 foot level and is reasonable for this area?

Mark – FEMA doesn't even require that. We have felt this for the past 30-years to be a reasonable level to build above, but FEMA actually or allow us now to go what is essentially at or above floodplain. The County felt it was better to go 1 foot above and has been our regulation ever since we've had regulations.

Commissioner Houpt – a question on the Resolution, amending the text section 6, under the definition of development you include mining, how will this impact or change regulation of gravel pits in that area.

Mark – it won't; right now we require analysis of gravel pit to analysis the floodplain impacts as part of the Special Use Permit process – it really won't affect it any more in terms of what they already do. Most of what occurs is a lot of engineers use the 1986 study as their base data to do the analysis.

Public Testimony

Bill Atrocious - representing Roger and Tammy Sherman, who have the Blue Ox Land Properties and one of the properties within this area and came here today to ask a couple of questions to be able to understand what is happening and why. We are, within the next few weeks presenting a SUP for this property to construct log homes there and once the BOCC sees what they've done he hopes the Board

will be impressed. It will be a benefit for the Town of Silt. My question is regarding the requirement for one foot above the floodplain elevation, will fill be allowed to be used to bring it up to that one foot level, or will you require something like post in the ground, etc?

Mark – no, you're allowed to fill provided you are not within a federally protected wetland.

Bill -. And secondly with the West Divide Canal that runs through there and if you noticed on the map, its very interesting the banks or levies of that are not within the floodplain at the highest most point but essentially this is a barrier between Colorado River and the properties and theoretically this area would not be able to flood even given a 100 year event occurring. So the question why is property located on the road side of the Colorado River still in this FEMA management and why considered a floodplain at all. It does never flood there and it could never flood there but the elevation is at the 100 year flood plain level. Fortunately we're not in Louisiana where we suffer from the effects of hurricanes washing levies away which FEMA has some responsibility for. Why is that property within the 100 year flood?

Mark – I can't explain that, it was an engineering study done by the Corp of Engineers.

Bill – we would ask that some type of exception be made for those areas that are on the other side of the levy and for this Board to consider.

Mark – the Board does not have that authority. We would have to do an engineering analysis to demonstrate that in fact these are outside of it, now, as you've indicated your client is talking about coming in with a special permit in the future perhaps one of the things they will have to do as part of that application is demonstrate through hydrological study that they are in fact outside of the 100 year floodplain itself. That's an alternative but we can't do that as part of this analysis.

Bill – glad to hear it won't be required as part of a Special Use Permit and it will be administrative and we can come in with an engineer to certify that.

Mark – it actually it is part of the SUP and you will have to address that and it becomes a part of the process, demonstrating that you comply with or staying outside the 100-year flood plain itself and meeting these basic regulation to become a part of the Board's is your responsibility.

Bill – they won't be addressing this in the SUP because as it stands we won't be within that that 100 year flood are when we're at permitting process. We are looking into the future and if that becomes an issue or perhaps the yard needs more space we will proceed accordingly.

Mark – administratively we can approve certain activities within the 100 year flood plain but administratively we cannot change the designation itself, what will have to occur is if you are able to demonstrate it, would have to go through what FEMA calls a letter of map revision which requires not only this Board's approval and essentially rezoning the area but also requires FEMA acceptance of that documentation.

Brent Petersen – owns property adjacent to the Blue Ox Log Home Property. Received the information on where this new overlay map lies agrees with Commissioner Houpt that the little block mapping, talking about 1 mile east of the Town of Silt and I am 2 miles of the Town of Silt and why am I included in this.

Mark- his property is included and my mileage was based upon the south city limits.

Brent – that's immaterial, the south, I am still east of that boundary.

Mark - this is an approximation of mileage and not an exact.

Brent – now you've put us dramatically right here – this whole area will be developed and right now its agricultural property by right; I've got interest and have people who will come before you with a SUP to put in a full blown meat processing plant on 10 acres adjacent to this. We're seeing the beginning of the development of the river corridor east of Silt. This is all going to be built up but what everybody is doing here, the government is doing to us is forcing us to go through a extended process to develop this and it's putting an unfair burden on us because someone sat down just like the gentlemen said here, they're behind the levy, Interstate 70 - this is 5460 is the elevation that they're talking about here fore this floodplain map. I-70 is underneath that in the 100-year floodplain. The reason this isn't within this floodplain is because up valley here and Silt there is so many houses along the river that if we have a catastrophic failure, they're talking a rain event. This isn't a 100-year flood from snow pack, this is a rain event. Someone needs to walk up and smell the coffee here – there's no way in the world that in this Colorado River drainage, there's such a rain storm to bring the water up to 5460.

Mark – if I gave you that impression, I apologize, this is based on a 100 year event that could be a rain event, and it could be as a result of flooding from snow pack too.

Brent – go with snow pack. The Colorado River is one of the most controlled water courses in the world. And they just controlled it more with the change between Excel and the Denver Water board – they monitored it and now they will monitor between March and the 21st of May. If they can't control this water and send it to the eastern slope or retain it in the high country and put us out of this silly, this is stupidity. If the County's not going to back up and say no, look at FEMA's track record. These people – they're the ones dictating and its 1986, it's the 1982 study by the map in the legend. .

Mark – 1982 was the original floodplain study that was done for the County; 1986 is the date of the map and it was reconsidered in 1986.

Brent – County better wake up and - does this exempt him from the flood insurance. He wants to get FEMA to come in and build dykes to protect him.

Mark – if the County didn't adopt this and the County became a non-participant it would – it would disqualify everybody along the Colorado River or actually in the unincorporated area of the County in entirety to be able to get flood insurance.

Brent – wants to get somebody to build him some dykes to keep this from happening.

Mark clarified that in 1982 Garfield County was given by FEMA certain maps that covered primarily the Roaring Fork River and then some portions of the Colorado River around some of the municipalities that were dated 1982. In 1986 the Corp of Engineers did the hydrologic study that was to be the basis for mapping the rest of the Colorado River. The FEMA and what is called the Colorado Water Conservation Board, a state agency that is responsible for the national flood insurance program on the state level, have not had to the time or the staff to be able to do the final analysis to actually come up with the maps, this is the first time they've done it. They have started to reanalysis and remap this

entire area using the 1986 data at the state level and that's what I was indicated we should see here within the next year.

Bill Atrocious – Mr. Peterson brought up something he was unaware of and assumed they are within the 1 mile boundaries but apparently we're not.

Mark clarified that's an approximation and estimating the distance using the southern most boundaries of the Town of Silt and actually go over to East Divide Creek and measuring from that point, not from what would be one mile on the north side of the river. The properties that are actually in the proposed floodplain zone district itself are those that are identified on the maps, the FEMA maps that were given to us and that's the more specific and that's why those property owners received notice. Those 3 and 4 miles out would receive flood insurance and are listed as not being in the mapped area. Those in the mapped area would receive a lower premium.

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 authorize the Chair to sign Resolutions of approval adopting the Amended Section 6, Floodplain Regulations and a Resolution creating a floodplain zone for properties adjacent to the Colorado River 1.0 miles east and 1.0 miles west of the corporate limits of the Town of Silt and as shown on Flood Insurance Rate Maps (FIRM) numbers 0802051091C, 0802051092C; and 0802051111C, prepared by the Federal Emergency Management Agency (FEMA).

Commissioner Houpt – seconded.

Commissioner Houpt – will there be mapping throughout the entire valley.

Mark – yes, they are working on those with ariel photographs. 9-28-00

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

DISCUSSION AND ACTION – ROADLESS AREA INITIATIVE

Mary Beth Gustafson, Mike Kurtz, Wendy Haskins, and Sally Spaulding new public affairs officer were present.

Roadless Initiative and Travel Management Plan

Roadless areas have been part of the Forest Service for a long time.

Wendy –the current rules signs each state with roadless area and petition within their state, to the governor, under Secretary of Agriculatural – accept or not, accepted or whatever, comes to the forest for planning.

Roadless – those areas do not contain roads contiguous of 5,000 areas and in the forest service plan they evaluate if they are capable for proposed wilderness area. Congress can allocate

Roadless – roads remain but not new ones put in – closed to motorized vehicles; roadless vs road – 10th circuit court of appeals.

Mary Beth – specific purpose – administrative roads – at times you can see a road – under certain circumstances allows a road.

Chairman Martin – ahead of the curve – overlying for the BLM to do leasing and did an overlay map and how it conflicts or enhances and references to Garfield and Mesa and what they would do – bought this to light and comments in by the 13th of August.

Mary Beth – each roadless area, each area for leasing is analyzed uniquely. Special provisions, species, fish habitat, water courses and in many cases roadless. Some might be in place because they are roadless. One thing looking into – what were those surface occupancy put in place and what were they for.

Commissioner Houpt – areas due to the leasing, may conflict with each other – roadless could cancel the leasing.

Mary Beth – roadless cannot cancel out leasing, it is identified for development – it is available for lease but could have some stipulations – no roads could be put on the site, no equipment. Most people are talking about directional drilling and minerals are leased.

Commissioner Houpt – what if the directional drilling isn't possible.

Mary Beth – AIS – operationally possibility – new technology. Surface protection – we would have to go through the 93 EIS and the Forest Plan and the lands identified for leasing and look at each specific case, to see what stipulations would apply. It is not just being roadless doesn't exclude leasing.

Chairman Martin – the conflicts we looked at are very specific under the BLM mapping and the mapping available has all of the surface stipulations on them and you can pull up those leases on there and that's one of the issues we talked about, the area and numbered that have conflicts we're going to have to see specific issues on those, the BLM, the Forest, the County, and COGGC – all of the existing leases have to be pulled up to see if there is and that is some of the specifics that I think most of the folks said we endorse roadless overlook. Another issue that we have is the Beetle Kill – the legislation with Beetle Kill and the ability to do flexible management, some areas may need to die, some may need to burn, some may need to be harvest and our concern was, does the inventory of roadless areas allow certain things to happen based upon your management styles in selected areas. We need specifics on those types of conflicts that we may have on trying to save what we can and try to allow nature to take its course on others. Our question is do you have that flexibility with the plan, with the inventory access for biomass, harvest and again natural decay, multiple ages of trees, etc. Do you have that flexibility?

Mary Beth – yes in some cases. It is tied to land specific. Of the roadless areas on the White River National Forest they are put into Management area categories and identified in the Forest Plan and within the roadless areas, she talked about the gray area of categories that ranched from proposed wilderness for which we would manage it as if it were wilderness and very little disturbance would be allowed to happen there. To those categories that allow SUP in developed recreation, for example ski resort development and permits within some roadless areas. Everything in between some of these land use designations are specific for maintaining wildlife habitat or improving wildlife habitat and particular those categories are the ones where we have the flexibility to put in temporary roads for administrative use for things like forest health, doing vegetation treatments, so it depends upon how they are identified in our forest plan through that public process from some years ago and I think importantly to answer your question, where they lie in proximity to the communities. Our focus for treating bug kill is to reduce fire hazard and reduce land slide and flooding potential on areas surrounding communities you have to see how those lands are categorized.

Chairman Martin – the biggest issue and the ability to have the flexibility and the ability to have the different treatments is not just the urban interface fire issue but it's the devastation of the watershed if there is a fire, if there is no ability to get in and to prevent either the fire or the erosion after a fire. That's why we brought up, does the inventory area and the ability to do the multiple managements of the forest kill and harvest if necessary or again burring if necessary, how does this affect the watersheds and that seems to be the biggest issue because the municipalities want to protect their watersheds and they wanted to have roadless but going along with that you have to flexibility to protect their watershed in land management. Is this built in there and have we identified places like Grizzly, No Name Creek, Spring Creek and all of the others that have watersheds.
Commissioner Houpt – those were actually identified by the municipalities that supported the roadless areas too- they looked at that need for flexibility.
Chairman Martin – Disagreed because we haven't identified those area by numbers or inventory or what the management plan is within those numbered areas. Did we really address that in a public forum to talk about that or with the local governments on the watershed?
Mary Beth – could not be clear enough, to be clear about the county for flexibility, and welcomed the County to make recommendations to be clear about the desire for that kind of flexibility to ensure that there can be access to maintain forest health, and then she would welcome the county doing that. What happens when things are mapped roadless there is that perception and rightly so that there will be very little activity in road building and things like logging trucks or the like is not usually acceptable so we come up against the dilemmas when we initiate our plans to do forest management or treatment and they are in roadless areas and usually bumps up the level of planning so instead of being a 6-month project it's a 2-year project and a lot of public debate on the social questions and dilemmas you're bringing up. Then get it applied to a specific project versus having them in the kind of forum you're suggesting may be in a higher order general question about what we think is best for the forest in the county. So the answer is yes, we have that flexibility in most places but no frequently we're not able to exercise through public view and a lack of public support to do so.
Commissioner McCown – is there a chronological order or criteria if we start out by declaring an area roadless and strangely enough that acreage fit the same criteria for wilderness then an area is deemed roadless and then from a management standpoint it would make it more appropriate to manage as wilderness since it is already roadless even though it has not been considered by Congress to be wilderness but it would allow the flexibility of the plan to manage it as such because it meets the criteria and then at which time Congress would say this has been managed as wilderness for X number of years it would qualify – tag it as wilderness. Now we all know the Routt blow down, we know that there was a significant blow down in and in Pitkin County and millions and millions of board feet of lumber lay there and rotted and became infested and probably were contributing factors to the infestation of the healthy forest because they were in roadless areas, you were not as the National Forest, were not allowed any flexibility in harvesting for whatever needs for the good of the country or just for the preservation of the future good of the forest, to go in and harvest that material. I think that is a tremendous waste of a resource, I think it should be illegal. And I know your hands were tied at the time but to me you don't have the flexibility you need to manage your forest.
Wendy – it was a timing thing - correct. That was under Clinton rule and we were not allowed to harvest now we're under interim direction that allows Mary Beth to make the decision on whether or we will treat and our forest plan took it further but our interim direction will change as soon as the petition goes through.
Commissioner McCown – there is no consistent direction for the management of our forest, it is that the political whims of whichever administration is in and that's not a healthy environment and not berating any administration but from a long range management tool, the forest service needs the consistency that every 8 years does not give them.
Mary Beth – we would certainly welcome what I think you're suggesting through your support and petition and what I think we would all like is some clarity and unity of vision on how to manage roadless areas. My dilemma is when it comes down to just what you're suggesting that we end up having that debate on a project level scale when there are values at risk on both sides. Every project becomes a big dilemma because there is not unity about what wilderness areas really are so relative to the County you can help provide clarity and the County can provide input on how you would like to see us manage them on your behalf.
Commissioner McCown – having seen some historical studies on what is a road and what is a way, I have a lot of concerns about what is a road in a roadless area.
Mary Beth - admittedly it is not very intuitive and it's one thing personally I do struggle with some because I think it is very hard for the public to understand – it looks like a road, most people would call it a road, but technically not all of those are roads but that is a bureaucratic answer – it adds to the confusion that we have over roadless and it becomes more of a sentimental feeling rather that having really clear guidelines on how we're going to manage roads. We do have in our Forest Plan and actually there's no lack of clarity there, there just isn't lack of common support for it and now we have different expectations – we have oil and gas, we have bark beetle infestations that we weren't really dreaming of at the time the Forest Plan was written.
Chairman Martin – not to mention the blithe that is coming for our Aspen that's already in certain areas that blithe is also going to be devastating as well. Some of it is good because we will have multiple generations of trees and vegetation within the forest and you can't just have one mono age because that's very bad. One of the specific issues that you brought up under what is a road, not a road is Blair Mountain. Blair Mountain has a circular road goes in one way and out the other yet it is in a roadless area and have been used for hundreds of years – why is that particular area a roadless area when it has a road and has been established for so long – how did it make the inventory and there are multiple issues like that within the inventory and we were looking for answers – how the inventory was put together, how you could establish since its been used for logging for mining for recreation and on through – multiple different layers of use and how it is inventoried as roadless. What is the criteria, who made that determination; I was on an inventory team so I know how some of that was done, under what rules, etc. do they still apply and was it

the proper way to do it. And to say, please accept this as a roadless area without reading that actual report on that particular section, it's pretty hard to take.
Mary Beth – many roadless areas and places like the White River aren't as pristine as we might like because of the long history of travel and development and other things, yet nonetheless even if they don't meet the 5,000 acre criteria if there are other sensitive species, sensitive habitat, or unique geological features or sometimes cultural features, roadless areas or other restrictive allocations will be imposed to protect those features even if they don't meet the full extend. So even if there's a road or even it they aren't 5000 acres, it is what we have and we believe its best to provide some level of protection to those things and not just say well they're just not good enough because it may be as good as it gets in some certain areas. There are a few places around here as rugged as the landscape really is there are a few places that people have not been hundreds of years ago.
Commissioner Houpt – that's why it's so difficult to define roadlessness because of the unique qualities of ever individual area and it would be a shame for us to come up with a definition that makes that impossible to do. You need the freedom to be able to go out there and preserve these areas that are so unique and natural qualities.
Mary Beth – that happens through public comment as well and public involvement as well in the development of the Forest Service Plan and there's another opportunity now with our travel management plan. Some of these roads or trails that are in the Roadless Plan if you or others think they are no longer appropriate despite how long they've been there, there's now an opportunity to analysis those and say is it meeting our current needs and is it providing a benefit to contemporary society or is there a higher benefit by decommissioning some of those, so there is an opportunity there to discuss those things. Fire in the emergency sense, we have the ability to enter a roadless area in these areas even wilderness areas with mechanical equipment through an approval process and an analysis although a very quick one to use mechanical equipment when there is a health and safety issue. We do that extremely judiciously but I wouldn't want to leave the impression that because they were in a wilderness area or in a roadless area that they are particular venerable for a catastrophic wildfire.
Chairman Martin – looking for clarification on this very thing. Wants the real information to come out. Wants all the governments to come to the access committee and having a hearing as to support or not.
Commissioner Houpt – there are some leases coming up in August for designated roadless areas.
Mary Beth – everyone sees the connection between the roadless task force recommendations and yet as Wendy described the process it will be some time before some recommendations that they would make would actually apply on the ground on the White River Forest so I have no other authority than to implement the Forest Service Plan – not an option to stop until this other process runs it course. I can understand why people would want that but I can say that we are carefully securitizing each one of those and ensuring that we understand that it is consistent with the 93 PIS and consistent with the Forest Plan and all stipulations that are identified in either of those documents, would be applied to those leases and if there is question about anything relative to clarity of those two documents and what protections apply, we will defer them.
Commissioner Houpt – there is huge concern because the request came down from Washington to have states look at the roadless issue and if there's a conflict between actions and activities that are going on during the process I would think that the people who are working on the roadless question right now would be extremely frustrated and wonder whether their process even meant anything. They are putting a lot of time and effort into really identifying a good solution for the roadless areas in Colorado.
Mary Beth – I hope their process will mean something. But you're absolutely right that meanwhile we're implementing the Forest Service Plan and meanwhile they could be working up recommendations that would have us change course, but the process that's in play is that they as Wendy said, they would make recommendation to the Governor and if he accepts them, tweaks them, does whatever and chooses to forges something onto the secretary of agricultural it would come back to the Forest Service in direction to analysis. There's no mechanism there for them to wave the magic wand to make it so. We would go thought the process of likely amending our Forest Service Plan. So it's going to be some time and appreciate your concern. She can do nothing but be really careful and implement those two documents and if there is any question or confusion about that we will defer them.
Chairman Martin – one other clarification to help you out with oil and gas; I know that you have a recommendation and what have you but the leasing is done by the BLM to manage your assets so I wanted people to understand that don't think you can be throwing rocks at Mary Beth because of oil and gas development and leasing, we've got to throw that at Jamie because Jamie has that under her job description that they will manage the forest service mineral rights, etc. And it is a coordination, there was a little lack of a coordination in reference to the overlays we found but we've got that reestablished now, information is flowing back and forth and it helps with both the forest plan and why each agency has to get a long better than in the past.
Mary Beth – this pilot office will help. There's a couple of things going on for us in the forest service in that certainly the potential for development is now apparent that it's more than we had planned in the past, when we developed the Forest Plan oil and gas leasing was certainly a piece of it like it is on every forest plan, it didn't seem to be the over arching looming project it is now so now we're spending time combing through that and understanding that we have the appropriate staff in place and we need to add some staff to do the kind of oversight that you're asking for and that we know that we need to apply, looking to see that these documents are easily understandable, that there aren't questions about how the 93 PIS got put into the forest plan and looking to the future to assume without any specific timeline that 93 is ending its life term and we may need to look at that in the near term future as well. We're probably wait on that to see how the outcome of the governor's task force – there may be some collations there or recommended process that would be slightly different so I'm hoping all those things will become clear to us quite soon.
Commissioner McCown – how is the travel management plan going to dovetail into this until there is a definitive answer on the roadless plan designation? Will they be managed as roadless; there are recommendations for a change in the use of several miles of roads. Is that going to dovetail into the roadless area even before it is even really deemed official or how will we look at that?

Mary Beth – our travel management process will take a year, we've just now sent out to the public of our proposal, copies of the draft were presented and we'll take the rest of the summer and fall to host some open houses and some field trips with folks and the public comment process goes on to until October and then we have up to December when we look at the content, but there's won't be a final decision on that within the next couple of months – we would expect to see the recommendation at least from the task force well in advance of the decision. We hope to be invited back to go over the Management Plan. They want specifics on trails and roads.
Wendy answered the question saying that currently all action alternatives are compliant with roadless and make sure they work. We can bear in mind that this is setting a baseline and as conditions change over time, so can we, but we need to establish baseline network for our travel management. Travel management is also looking a public access, you have a special use permit or something like that, it will still need to be in place or access to your private land and not making those decisions – those are separate of course, but we are compliant with our current roadless areas and also our forest plan.
Chairman Martin – we need to know the specifics.
Mary Beth – we need those specifics on the travel management, so that we know which road, which trail for which season of use, what type of use you would favor or chose to recommend elimination, just like when we had the public meetings for roadless I found it really heart warming that so many people want to keep roadless but for me that really wasn't the question – we weren't getting rid of roadless it's what could be done within roadless. The specificity of is it acceptable to you to do vegetation treatments, is it acceptable to have special use permits, what about historic roads and trails without that specific and applied to specific locations it's very hard to do anything with the comment. This doesn't help me manage.
Commissioner Houpt – in defense of the more general statement, I think people are seeing a lot of change and impacts with growth and development in the Rockies and I think there is an urgent desire to protect those areas that they would deem roadless and people define that at different levels but people are concerned about not seeing new uses on those pieces of property that have always been deemed to one degree or another roadless.
Mary Beth agreed – in this area people are taking notice quickly and making their views know.
Commissioner McCown – a lot of people still view public lands as multiple use lands and with the restrictions placed on roadless areas and wilderness areas it severely restricts that multiple use concept and earmarks it for recreation.
Mary Beth –agree and most people think that and you are very intuitive and then become alarmed when they realize that actually it's not as clean as that in our forest plan allowed for a number of activities but now it's pretty clear to me that for a significant population that would like to go back and revisit that.
Commissioner McCown - does the forest have any way of tracking the use of their lands once it's deemed a particular type of use and use wilderness as an example. What are the numbers of people annually that use your wilderness as compared to those people that use the public accessible lands by motorized vehicles? And I think that may be an interesting statistic for people to see the limited percent of the population they use the wilderness areas as compared to those that have the availability by whatever motorized vehicle can utilize those others.
Mary Beth said they can follow up and provide numbers. We do have self registration boxes at wilderness trail heads and wilderness permit requirement so those numbers can be obtained, those using the generally the National Forest for other forms of recreation aren't required to sign up, we do have some numbers from our recreation folks that they keep track of and we have to report them every year. We're undertaking a 2-year study were we will be doing some visitor use inventory.
Commissioner McCown – do you do traffic counts on your roads.
Mary Beth – generally not but once in a while.
Wendy – we did a major study but that was the year of the fire and got some preliminary numbers but this is 5-years later and they will be redoing those studies so we'll have something to compare with on our recreational use.
Commissioner Houpt – people go to wilderness areas because they aren't high use areas.
Wendy – you'd be surprised at the numbers.
Mary Beth – some of the wilderness areas are high use and in fact we have standards in our forest plan for wilderness area use so that it does maintain the solidity that is inherent in the value of wilderness to people and in some areas we are exceeding that and we need to put some plans in place.
Chairman Martin – we are loving our wilderness to death and looking at putting a gate and a number of how many are going to be there because it is so well used and is that what wilderness was for or was it to preserve for the future. Once we designate an area wilderness I think the use increases instead of decreases, the statistics will show that and that's why I say we love our country to death because we put so many restrictions on it that we seem to really want to move in there and use it before we're told we can't go in.
Mary Beth – it depends on the area of country and what opportunities people have and know of a lot of wilderness areas that are hardly used and others like Maroon Bells because of its location and extreme beauty and there's a lot of different factors that apply to how well used a wilderness area is. A lot has to do with the population that is within a day's drive of some of the wilderness trail heads and the quality of the trails and what people are going to see within the first 5-miles.
Commissioner McCown – this will surely come up in your travel management plan and maybe in this roadless plan, historically the forest has managed its road and the maintenance of those roads with water bars and diverting water off into impoundments so that there will be stock water for wildlife water, the Clean Water act is prohibiting that now so any water generated on that road has to contained on that road and we're finding out that through that we are deteriorating and degrading habitat and this was from serving on the Sage Grouse committee that is looking very closely at habitat for the Sage Grouse well, any water generated on that structure has to stay within that structure and you're going to have water impoundments drying up – that water has to stay within the confines of that roadway, it will form in puddles or holding areas in low lying areas if you will and change the way the county has historically done maintenance on you're forest service roads – the agreement we have, have you addressed that? Were you aware that was in place.

Wendy – not aware.
Commissioner McCown – check with the new Clear Water Act.
Mary Beth – any planning we do should be in compliance with all the federal rules and policies.
Commissioner McCown – any structure that is worked on or improved has to stay within the confines of that. No water bars, no diverting it off the road, it has to stay within the confines of that roadway. You have to berm it on the sides to haul water and you're creating streams inside the roadway which adds to the maintenance problems. This is the right hand not listening when we're doing regulations. There were ranchers that asked the contactors if they could come out with their shovels after they did the road if they could cut that out and they said no, their company could be fined by the administration should they divert that water off.
Wendy and Mary Beth will look into this.
Chairman Martin – we are really interested in the travel management plan and would love to set up a later date and talk about specifics on the travel management plan after we review it.
Wendy submitted CD's along with some basic information packets and encourage to sit down with county planners or road people because we not only have to work out issues that you believe we should manage our roads but county roads going to forest roads and working and developing a comprehensive network that makes sense so we are creating networks that aren't inducing illegal behavior.
Chairman Martin – we need to bring Schedule A with some and if there are adjustments work on those in reference to maintenance. Also PILT and there's a percentage of that that goes to the road and bridge to help in maintenance of federal lands on roads. We will contact you to go through this with road and bridge and get the access committee together to see if there are any concerns of all of those partners.
Commissioner McCown – the access committee has been inactive and why is that we ran out of complaints – the access committee was a complaint oriented committee and it's wonderful that we ran out of complaints and we've basically have not been meeting. However with a few phone calls and it can be put back together. The initial purpose of this committee was where private citizens had closed a restricted access to public lands. This could be in reverse where citizens feel that for whatever reason roads that they have used historically are going to be closed and would want to voice their concerns. It could be a venue but until the public knows which roads are involved, I don't think we would have a very successful committee meeting.
Wendy stated there are a lot of documents on line now.

BOARD OF EQUALIZATION HEARINGS:
The Board of County Commissioners conveyed as the Board of Equalization.

Don stated the notification requirements were adequate and that individual tax payers have been given notice.

SAFEWAY STORES 46, In c
C/o 1st Net Real Estate Services, Inc.
Board of Equalization No. 06-BOE 009
Schedule No. R0070
Shannon Hurst and John Zimmerman, Commercial Appraiser
A - Proof of Publication
B – Petitioner Exhibit
Exhibit C Assessor's material
Chairman Martin entered Exhibits A & B into the record.
Chairman Martin swore in the speakers.
Don suggested that the Assessor's office presents their materials and make a brief statement to their position. This should be enough since the petitioner has requested denial so they can to a higher level.
Highlights of the valuation were given by John Zimmerman.
$186,400 fair and accurate value for 2005 and 2006 – same as the other grocery stores. Income formula was developed locally.
Two sales used were dated sales and the economic situation warranted adjustments.
They requested the Board uphold their values.
Deliberation and Motion
A motion was made by Commissioner McCown and seconded by Commissioner Houpt o deny the requests of the petitioner on Schedule No.R0070 and rule in favor the County Assessor.
Commissioner Houpt seconded. In favor: Houpt – aye Martin – aye McCown - ay

HIGH H. & MARGARET O. MACPHERSON
Board of Equalization No. 06-BOE-003
Schedule No. R42
Stipulation was presented and submitted for the record.
A - Proof of Publication
B – Petitioner Exhibit
C – Accessor's submittal
D - Stipulation

RIVER VALLEY RANCH GOLD, INC.
Tax Profile Services
Board of Equalization No. 06-BOE-004
Schedule No. R450041
Values - $2,278,250.

RIVER VALLEY RANCH GOLD, INC.
Tax profile Services
Board of Equalization No. 06-BOE-005
Schedule No. R590277
Value - $1,494.340

RIVER VALLEY RANCH GOLD, INC.
Tax profile Services
Board of Equalization No. 06-BOE-005
Schedule No. R590323
Value - $277,050

RIVER VALLEY RANCH GOLD, INC.
Tax profile Services
Board of Equalization No. 06-BOE-005
Schedule No. R590324
Value - $1,463,390

All four schedules were jointly heard.
A - Proof of Publication
B – Petitioner Exhibit
Chairman Martin entered Exhibits A & B into the record.
Chairman Martin swore in the speakers.
Shannon stated that River Valley Ranch Gold, Inc. has asked that we have an administrative denial.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt o deny the requests of the petitioner on Schedule No. R450041; Schedule No. R590277; Schedule No. R590323; and Schedule No. R590324. Carried.

TOTAL PETROLEUM, INC
C/o Christopher C. Rosas, Esq.
Board of Equalization No. 06-BOE-011
Schedule – No. P310652
A – Proof of Publication
B- a CD and Package of Material from the Proptestor
Chairman Martin entered Exhibits A & B into the record.
Chairman Martin swore in the speakers.
Shannon stated this is the New Corner Store and they are filing filed Abatements throughout the State for 2004 – 2005. The petitioner has asked that we have an administrative denial.
Valuation – $237,180.00
A motion was made by Commissioner McCown and seconded by Commissioner Houpt o deny the request of the petitioner on Schedule No. P310652. Carried.

NATIONAL PROPANE, L.P.
C/o Meritax Property Tax Consultants
Board of Equalization No. 06-BOE-010
Schedule No. R340807
Exhibit A – Proof of Publication
Exhibit B – Petitioners reply
Exhibit C – Assessor's material
Shannon and John Zimmerman, Commercial Appraiser
John called the individual who filed the tax appraisal.
Valuation – Land valued at $9.00 sq. ft. and Building – total valuation $849,860.00
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to deny the request by the petitioner and rule in favor of the County Assessor on Schedule No. R340807.
Carried.

EXECUTIVE SESSION – UPDATE ON LITIGATION – JAIL; ROAD AND BRIDGE DIRECTION ON VIOLATION ON PROPERTY ON DRY HOLLOW ROAD
Marvin and Lou Vallario were included in the discussions
A motion was made to go into Executive Session.
Commissioner Houpt so moved. Commissioner McCown seconded. Motion carried.
A motion to come out of Executive Session was made by Commissioner Houpt and seconded by Commissioner McCown. Carried.

DIRECTION TO STAFF FOR GRAVEL PIT DISCUSSION
Municipality representations from New Castle – Frank Breslin, Silt – Dave Moore, Rifle – Keith Lambert were present.

Chairman Martin put together a list of what the County regulates and the list is 24 major items and brought those items as part of the record.
The purpose of the memorandum is to identify the permitting framework required for a gravel extraction operation in Garfield County. Specifically, this memorandum identifies the various City, County, State, and Federal permits to be obtained prior to the final approval of a gravel pit operation. Additionally, this memorandum will identify impacts or land use issues not addressed by these various permitting agencies.

Background
Much discussion has occurred in the last year regarding the impacts incurred by proposed gravel pit operations in Garfield County along the Colorado River corridor. Particularly, the discussion has focused on the potential cumulative impacts of gravel mining in the Colorado River primarily between the Town of Silt and the City of Rifle.

The Board is aware that there have recently been requests made by County citizens for the County to evaluate the greater impact additional gravel pits will have on the Colorado River basis mainly between Rifle and Silt. Presently, the Board of County Commissioners has not directed its staff to initiate this effort. The only significant analysis conducted to date has been a study commissioned by the Board in 2002 by Colorado Geologic Survey whose sole purpose was to simply identify and describe the gravel resources along the Colorado River. It is not a study that discussed land use or broad hydrologic impacts.

There are many layers of review and permitting required for a gravel mining operation in which the County only plays a part. What follow is a breakdown of local, State, and federal agencies which have review authority over a gravel pit operation and the impacts those permits are intended to address as well as remaining issues not addressed.

Discussion
Generally, gravel pit operations will have varying requirements for the types of permits needed depending on the site proposed for extraction. The first step in determining in extraction is a permitted land use is to examine the zoning for the property. The land in Garfield County where the majority of the high-quality gravel is located is generally in either the Roaring Fork Corridor or the Colorado River Corridor. These lands are zoned Agricultural/Residential/Rural Density (ARRD) and Agricultural/Industrial (AI) respectively which both allow gravel extraction as a Special Use requiring approval by the Board of County Commissioners (BOCC).

Because Garfield County is the location where the extraction activity is to occur, it serves as the lead permitting agency that requires all other local, state and federal permits be in place prior to any approval of a Special Use Permit. As the Baord will recall, originally, these additional permits were required to be "in hand" and presented with the application for a SUP. The Board recently changed that requirement to allow those permits to be pursued concurrently with the County's review process as long as they were delivered to the County prior to the County issuance of the SUP. Often, these are required to be submitted as conditions of approval.

Depending on the location of the extraction, the required permits will vary. For example, if the property is located in the regulated floodplain, ad administrative floodplain permit is also required. Additionally, if the area intended for extraction impacts jurisdictional wetlands, the US Corps of Engineers will be required to approve development activity. Mark submitted Exhibit A as part of the package.

Preemption
In some cases, State and Federal agencies can preempt local regulations. In Colorado, the Division of Minerals and Geology which was the Mined Land Reclamation Board has preempted local regulations specifically regarding reclamation and security for reclamation. This is largely driven by/manifested in the State Statutes. Example, the statue that gives the state preemptive authority over reclamation standards is CRS 34-32-5-109(3). It is common understanding in the industry that local government cannot, as a result of this statue; impose reclamation standards at variance, greater or lesser, than those approved in the state permit.
"No governmental office of the state, other than the [Mined Land Reclamation Board], nor any political subdivision of the state shall have the authority to issue a reclamation permit pursuant to this article, *to require reclamation standards different than those established by this article, or to require any performance or financial warranty of any kind for mining operation.* The operator shall be responsible for assuring that the mining operation and the post mining land use comply with city, town, county, or city and county land use regulations and any master plan for extraction adopted pursuant to section 34-1-304 unless a prior declaration of intent to change or waive the prohibition is obtained by the applicant from the affected political subdivisions. Any mining operator subject to this article shall also be subject to zoning and land use authority and regulation by political subdivision as provided by law."

This statute basically says the County has no authority to require any different reclamation standards than the Mined Land Reclamation Board (DMG) or to require any additional reclamation security. [Note, the County has required this of a recently approved gravel pit operation and the applicant did provide such an additional security for "revegetation" as opposed to reclamation.]

Summary of issues not addressed

The County does not administer or enforce specific regulations for impacts to:

1) Local watersheds
2) Economic impacts to local economy or
3) What the cumulative effects of several gravel pits in one location may have on the river/environment.

The majority of the other impacts are addressed to some degree at the County level. More than often than not, the State or Federal Government also has a required permitting process addressing these impacts in addition to the County. Because some of the County's regulations are so minimal, the County has relied on the State permits to satisfy the County requirement.

Examples of potential impacts addressed by all three levels of government include stormwater management, water pollution, air emissions. For the most part, the State Division of Minerals and Geology and the department of Public Health and Environment maintain the lion's share of regulations that regulate impacts from gravel pit operations to a much higher standards that the County. The County, however, appears to be able to bootstrap the state's requirements as their own through the Special Use Permit process.

Recommendations submitted by Commissioner Houpt for the Gravel Pit Discussion

Purpose

The purpose of scheduling a facilitated meeting with all of the gravel pit stakeholders is to create an opportunity for all parties to be educated on what regulations are in place at all levels, hear the concerns of impacted parties and determine whether or not we need to revise our regulations to address the potential impact of gravel mining, in particular design of pits and reclamation.

Stakeholders

Garfield County
Garfield County Municipalities
Department of Natural Resources
Army Corp of Engineers
Fish and Wildlife
DOW
Colorado River District
Non-governmental organizations (NGO's)
(ie. Trout Unlimited, Mule Deer Association, Nature Conservancy, Colorado Natural Heritage Program)
Property owners and gravel mining companies
Neighboring property owners
Reclamation Experts

Format

County and municipal managers will agree on a neutral facilitator to create the agenda and lead the meeting. The goal is to determine how best to approach the projected gravel extraction activity along the Colorado River Corridor to achieve the greatest benefit for all stakeholders. This could be defined through revised county regulations, a master plan or localized agreement with participating applicants.

In order to proceed with a serious process, it has been proposed by the City of Rifle that we place a hold on our gravel pit regulations and not process applications for 6 months.

Timeline

Immediate scheduling of initial stakeholder meeting. We will need a large venue; recommended location would be at the fairgrounds in Rifle.

Keith Lambert provided a copy of the video tape with the City of Rifle. The direction that they understood was to have a follow-up meeting. Sent a letter to the BOCC to have the opportunity to sit down with regard to the June Joint Meeting regarding making future pits not bathtubs.
They are here to ask the Commissioners to hold a follow-up meeting.
Chairman Martin – Education is the first step and the BOCC had conservation with commitments to change rules and regulations and it is up to the Planning Commission.

Commissioner Houpt – Tresi put together a list on her thoughts to put comprehensive regulations – a meeting to get all the information out on the table and let the people know the information and make sure we are adding all the information to make it a successful
Recommending that we have a mutual facilitated meeting selected by the County Manager and the City Managers to create a neutral agenda and sit down and gather information from the property owners and gravel operators, Corp of Engineer, Colorado River District, Sierra Club, and have an information day and figure out whether we can through a change in regulations or an agreement with the operators to make it more beneficial to everyone.
I think if we all come together we could come up with some good terms to benefit the County.

Keith Lambert – difference with municipalities, property owners and gravel operators. Makes sense to have a dialogue and hold hands to the planning commission understanding where we are going and when it gets to the BOCC, everyone agrees on the outcome on this particular issue. We felt that was the direction to be taken and promise from the Commission to have a follow-up meeting.

Commissioner McCown – what do you envision at the end of the day sending to P & Z?
Keith Lambert – this is a corridor issue – hope that we would come out with a set of standards that create a dynamic to a long term entity to benefit the municipalities and the County. With the extraction company

there are varying levels of reclamation – bathtubs and other types of reclamation. Lyons Pond is a good example and as we progress on the local level that we have that whole Corridor.

Commissioner McCown – are you proposing that private land owners give up their land for a non-governmental entity.
Keith Lambert – no – not suggesting that landowners give up their land, have a visual outcome that speaks to who we have been historically as a region.
Frank Breslin – consensus of council in New Castle – nothing beyond reclamation; can be agreed for people that care about the aesthetics along the Corridor and within the regulations that can spell out reclamation. Some contour lines at the end of the lease. Rifle meeting, reserve the top soil and understand these are leases and benefits for the leaseholders – turn over to a conservation easement and get a tax break – economic benefit to our construction. If all this good gravel is gone in 20 years then we can't use it this for bridges; feels we should dedicate gravel for concrete use.
Chairman Martin – spoke on the reclamation saying that under revised 34-32-5-109 (3) no governmental entity other than the Mine Reclamation shall have authority to issue and require reclamation standards differently, this means the mining folks control the reclamation. If the standards aren't there then we make recommendations and they can preempt any County regulation or whatever. We went through a revegetation management program and that application we had agreed to do so but only through a revegetation, not reclamation. We're also cautioned to be careful of exparte communications.
Commissioner Houpt – asked Don to follow up on that because the next sentence says the "operators shall be responsible for assuring that the mining operation and the post-mining land use comply with city, town, county or city land use regulations and any master plan for extraction." Are those in conflict with each other, those two statements?
Don stated there is the potential for conflict in these two regulations but not aware of a case that's actually looked at that issue – the practice of the County over several years has been to enforce that provision of our regulations that require some type of reclamation plan however, my experience also tells me that that plan has been the Reclamation that has been required by the State either land reclamation or now minerals and geology so we haven't been called upon to see if there is legal issue, it is interesting, this same Sections 34-32-109 has identical language in the Reclamation provisions – both refer to Section 34-1-304 which is a section that is not directly applicable to this County because its designed to require master plans for gravel mining operations for populous counties, over 65,000. But nevertheless in that section, the legislature has given us an indication of areas where they think local government should be involved in land use planning activities. And that section in regard to Reclamation specifically says that that master plan for large counties is supposed to include the ability to reclaim an area pursuant to the provisions of Article 32 which is the Reclamation permitting provision, so with all of that taken together, strictly in terms of reclamation, not with regard to other land use activities, it appears to me that Article 32 is what the legislature wants everyone to look at – that the Reclamation requirements of the State.
Commissioner Houpt asked Don to further clarify as she was not following what he's saying and asked if we would be preempted or we can work together on our land use regulations.
Don – if it came to a legal test and emphasized there is not an appellate case where that has happened in the State, but if came to a legal test we would be preempted. However, the fact that there is not an appellate case over the many many years of mining operations in the State indicates to me that the local jurisdictions have worked with the industry on this issue, that same section also says that is "on master plans, areas the legislature thinks that local governments should be involved in, that master plan is supposed to address the potential for multiple sequence use, the development or preservation of land to enhance physical attractive surroundings, compatible with the surrounding area and the quality of life of residents in and around the area which contain mineral deposits and lastly, a master plan that's consistent with the plans of any county, city or town. All of those are also issues and there is obvious overlap in there.
Chairman Martin – and I think that's we recognize those master plans in harmony is Silt, New Castle and Rifle as well as Parachute, Carbondale and Glenwood that we compliment each other with our zoning and I think that we made that step, do we need to go back and revisit that – that might be one of the questions we put back to the Planning and Zoning Commissions on both the municipalities and the county and that way we stay away from that fine line. The conservation we are having is information, education and we want to go forward.
Dave Moore, Mayor of Silt – in a follow up on that CRS 34-32-5-101 states "comments relative to noise, truck traffic, hours of operation, visual impacts, effects of property values and other social and economic concerns are issues not subject to this office's jurisdiction. These subjects and similar ones are typically addressed by your local governments rather that the Division of Minerals and Geology and the Mine Reclamation Board." This is posted in the Glenwood Post on May 30, 2006. Back up - What that says, is that the local governments do have some say in operations and reclamation on these pits and why we shouldn't. We should be the very ones that have the most control and we're the ones affected the most. It's just a pure issue of logic. I think what we would like to see is a hand and hand, elbow and elbow, and a win win come out of all of it and that our minds be as one, we speak as one voice and doing so we can preserve the County and the looks of the County which you folks have been elected to, we have too to play our parts and we owe it to our constituents as being good stewards over our elected office and the County. In Western Garfield County it's the gateway to the upper valley from the west side. And whenever you go up to a house and you knock on the door and the door is in terrible shape, it's almost indicative that the rest of the house is in bad shape too. This isn't the image that the upper valley mayor's have shared with Frank and Keith and myself – they're concerned about it too and in fact we're going to be meeting on August 3rd down in Silt – every mayor from Aspen to Grand Junction including Jim Duty of Grand Junction and Helen from up in Aspen. We're meeting and going to flying over these areas of concern, which is the gravel pits, the oil shale and gas and oil extraction. These mayors are concerned and they're wondering – we don't want our gateway to be cluttered up. Certainly they don't want it to look like Hiroshima after we finished bombing over there with nothing but a bunch of pits in the ground which we're beginning to start to see now which we're disappointed about. Mr. Chairman, relative to the exparte communications – now were

you referring to the elected officials and the applicants or were you talking about us communicating back and forth?
Chairman Martin – we're talking about this Board with an active application if there's one in the pipeline and it's again to be considered by the County and then we're making decisions or having conservations about a specific item of that application with anyone including us – you guys can talk about it because its not an application but we have to watch out also that exparte communications does not again perceived that we're making decisions outside the public hearing, taking information, taking positions and coming up with a position before the public hearing and all the evidence is presented. Again, our attorney has cautioned us not to make too many decisions at all – in fact no decision on any application that's before us or coming before us.
Dave Moore – can certainly appreciate the exparte communications and as a matter of fact I open up my meetings every week with a paragraph about exparte communications. But if our inability to communicate with one another hinders the process, then maybe we should be talking about a moratorium to give us time to get the process into order before we issue anymore permits because if we've got a flawed process then we certainly want to address this and we want to keep the communication lines open so that we can do this and make it a win win situation for everyone.
Chairman Martin – need to make sure that we didn't have a flawed situation and that's why we went ahead and put this together to see if there's something that we're not addressing that is really causing the concern and something that we have factual basis to base on any kind of moratorium if there is such a thing and is it in our purview to declare that based upon a flawed situation. I haven't found it yet. We have to be very careful. That's why we gave you this information, is it something we're overlooking or we too close to the situation, is there something outside these rules and regulations in our ability to make decisions on applications that is missing out of these. We're starting again on a clean slate here, what are the rules and regulations, what do we have to play by, how is it different that your own comprehensive plan, how does it affect our rules and regulations, etc. What is it will are looking for. Is it simply that it is a visual impact that we're dealing with, is it an economic – short term, long term, is it something to deal with just the inability to accept these things are taking place. Identify what it is, where are we going and how to get there?
Commissioner Houpt – that actually is why it would be really beneficial to get everyone together at the table including the people who have interest in developing gravel pit operations, and people who own property, everybody at the table so that we can understand what all these issues and concerns are. This is a really good start and show people what general review of what types or rules and regulations are in place but to really understand what all the issues are, we need to get everyone at the table to do that and it doesn't have to be a year long process – we could come to an understanding in a few meetings – figure out how to address those concerns and Dave's suggestion of a moratorium, nobody likes that word but I don't think it would be fair to anyone to start a process and have the rules change in mid-stream. What we need to do is to decide whether we're going to have a serious discussion with all of the stakeholders and figure out what we're willing to do, how far we're willing to go to address the issues that everyone's going to have around the table and schedule a date and go from there.
Dave Moore – are there rules and regulations now that govern the reclamation of Garfield County gravel pits.
Chairman Martin – only through the state reclamation plan and then a volunteer to follow the revegetation plan through the applicant and acceptance. There are two different things – reclamation and revegetation. The State of Colorado, the Division of Mining controls reclamation plans. We accept that as their plan.
Dave – we don't want to live where there's a bunch of holes in the ground and we're going to let the politics drive us straight into oblivion and nothing can get done about it and the beauty of western Garfield County goes to pot because we're too tied up in worrying about exparte communications and where we can really get to some workshops and figure this out and get down to the nitty gritty and present some reclamation thoughts even if they're contrary to the minimal standards already set forth, something that will protect the towns and the county, our area of influence from Silt probably overlaps the area of influence from Rifle, and vice versa down into New Castle too, so to say that we don't have a say in this would be the furthest thing from the truth in fact we feel that that in our area of influence the applicant's should be coming to the town instead of the County and mainly because we're the ones impacted, you can call it the Town of Silt, Garfield County or North Korea, the bottom line is that we're the ones that are impacted, we're the ones in Rifle and New Castle, Parachute, we're the ones that should have a lot of say in the operations as spelled out in the State Statute of this – this is where we don't want to be left out of the loop and would like to go on record saying that each one of us mayors would like to have a copy of the minutes well in advance of any future meetings that you're going to have – this one caught me by surprise and the other gentlemen also. In the future we'd like to have some formal invitation sent to us of any other meetings.
Frank Breslin – one thing – I hear a large difference of interpretation on Article 32 between the way you present it and the way I heard from Mr. DeFord, could you describe it – it sounds like what Mr. DeFord says that there is some lead way for local planning agencies to have some say so in the reclamation and reveg.
Chairman Martin – what he is going is the definition and the size of the County 65,000 and greater then they have requirements that we don't have in reference to being 50,000 and less. So at that time we are on the cusp – again back to what I'm telling you, if we have a problem with reclamation and we don't feel that it's right, we concentrate on that reclamation and send it through planning and say these are our concerns – and we need to make a recommendation as a County as a group to the mining industry who control that and say these are the standards we'd like to see and there's a process to get that changed, it changes not only for this valley but the entire State of Colorado. So do we want to beat our heads and argue amongst the County and the Cities because of the reclamation and they way they go about it or do you really take it to where it needs to go, so it can change and that again, under that Statute is defined by the mining.
Don DeFord – John's correct in the Section 304 requires master plans include a master plan for gravel extraction for counties over 65,000. I refer to that Statute because it doesn't prohibit smaller counties from

doing that as well. But it requires it for larger counties and it enumerated some areas that the Legislature things are within the purview of local government as opposed to the State – it also specifically refers to reclamation and both limits and requires the planning commission for large counties to require a demonstration by the developer, the gravel pit developer of an ability to reclaim an area pursuant to the provision of Article 32 – that is the reclamation permit section of the minerals and geology relies on. What that means to me is that a local jurisdiction can have regulations but they cannot differ from those that the State has, effectively it gives the local jurisdiction the ability to review the requirements of the State and act as an additional enforcement agency but in the narrow area of reclamation I have to emphasis that is the only thing that we're talking about in terms of preemption here. We are limited to the standards applied by the State, we can enforce those but we are limited to those. Mr. Moore mentioned things like traffic impacts and noise and that type of thing, that's not reclamation and that clearly is within the area of local jurisdictions to control that type of impact.
Ed – but there's shared responsibility too. Because some state agencies also have some cognizance over some of those issues.
Don – they do but we're not prohibited from entering into that area.
Mayor Keith Lambert of Rifle – there were two main issues as a result of the June 14th meeting in Rifle that came out and the first issue was the possible study of the long term impacts on the proposed gravel pits along the Colorado River Corridor and that was one of the issues that came out and our concern for that not only from the standpoint already discussed here but from the technical standpoint in regards to water quality and possible changing of the route of the river the shifting of the river under various circumstances and high water events and the second aspect that we talked about at this Rifle meeting was the issue of all the things that we've been currently talking about, the land use issues. At minute 44 of the meeting that we had, a question was asked if we could have a follow-up meeting and the answer from you Mr. Chairman was absolutely.
Chairman Martin – sure.
Keith Lambert – and that's what we would like to see take place, we would like to have the opportunity to sit down with all the stakeholders and follow-up on this.
Chairman Martin – received this message loud and clear, but what I amounts to that the time line is what is really pushing the issue and that's why I asked the staff what is it that we want out of the outcome of this meeting in Rifle which New Castle and Silt were there as well, and that establish what the playing field is what are we doing, what are the reviews, etc. and when I mentioned that at this Board meeting, then the issue was to bring it forward right now because I'm under the impression we're going to have this big meeting right now but that's wasn't true and what it amounts to is that we need to understand the rules and regulations and putting together again a step by step process so that we can have a sit down meeting and discuss what is it that we need to be concentrating on in reference to these gravel pits, is it the whole concept, well that can take years to discuss, because we're going to have to adjust Comp Plans, go to the State, go to the federal government, go to our own local jurisdiction to make rules and regulations, etc. If we sit down and define exactly what it is that we're looking for, what is it we want to solve, if it's the shape of the gravel pits, is it vegetation around the gravel pits once they've been abandoned by the mining company, it is that it's in someone's neighborhood making too much noise, is it the operating hours, etc. we can make adjustments through our suggesting and take opportunity to follow up with all the stakeholders.
Keith Lambert – aren't we doing somewhat a disservice to the players who are not present here today in so far as there are a number of stakeholders who are not represented and shouldn't that be part and parcel of their input as well.
Chairman Martin – absolutely but we're not even there yet, we can't even establish the what the game plan is going to be or what the game rules are, just trying to get that so we can have the meeting. This particular work session was to identify what we're doing with applications and to share that information with municipalities so that we can take the next step and identify what we really need to be working on – this isn't the big meeting about putting all the stakeholders together, we're far from that and that was my point, we just need to get the information shared so that we can look at hey do we need to bring in next to make sure that the next step and then we can work our way up to this big meeting.
Keith Lambert – we are still proceeding forward with a big meeting that will encompass all of that, the players that have an interest in this.
Chairman Martin – needs to get something done now but we are getting sidelined by timelines and needs to get something done right now so that we can use it, we don't need to do that, we need to make sure we are proceeding properly and within in again the guidelines of our attorney so that we don't jeopardize our ability to make decisions on land use as we would do the same with you. We're not turning that deaf ear, we're listening and looking, we're sharing right now.

Commissioner Houpt – we're received a request from a couple of municipalities that this does happen in a timely manner and that we look at the possibility of placing a hold on the applications that would be coming in for gravel pit use so that we are able to have a serious discussion. I don't think we should say that we're a long way off from having a stakeholder meeting because if we are it puts everyone in a very awkward position and a costly position. We need to identify the stakeholders and at that meeting truly identify what those issues are and figure out whether they're just issues that can be negotiated with applicants or whether there's a larger problem there.
Commissioner McCown – I would like to comment on a couple of things, first of all I've heard several mayors recommend that we put things on hold until we can have this meeting. And I don't like moratorium and not even consider that unless you are all willing to go back to your respective councils and ask them if they're willing to freeze every building permit and everything that would create any demand of use of aggregate in your town until we've reached an agreement. At the end of the day the gravel operators are going to suffer and I think you will see that there is a consideration impact to the economy of your towns if you immediately put everything you're doing on hold which is what you're asking us to do in the gravel permitting industry. So, if we're going to talk apples and apples and level playing fields, I would expect that each of you go back to your town and ask your elected officials to put every land use you have in your

mail on hold if you're going to ask us to that with the gravel permits and every building permit that might require concrete for a foundation, that's putting an additional demand on the aggregate industry and the need for this and then consider that there is another industry which is the oil and gas industry which by the clean water act and the EPA has been forced to use tremendous volumes of gravel to control wastewater and this is outside our purview. Do we feel that the need for this product is going to go away in the two month, three months, six month whatever the review period is while we're looking at this, is this demand going away in that period of time, is it going to increase, is it going to stay consistent with what we're seeing now. I don't think it's going away, I don't think it's going away for the next 20-years. And Frank I can certainly sympathize with you on the high quality concrete rock, it's a precious mineral but I don't think we can ask the service station operators in our towns to only limit their gas to the commercial haulers, I think it's a free society that's why we live here and I think an aggregate operator if they want to sell to John Doe coming in and he going to put it in his barnyard and it's concrete grade gravel, they have that right. So I'm having a little problem with what we're being asked to do unless there's a willingness on your behalf to go back to your elected bodies and your constituents and ask them to do the same thing. Cease and Desist while we decide what we want the Colorado River Corridor to look like from Glenwood Springs to Parachute. Now I've lived in Rifle for 25 plus years and I don't think there's been a time in my time in Rifle that there hasn't been a gravel pit on the west end of town and a gravel pit on the east end of town and in that period of time Rifle has continued to grow and prosper. I think Silt can say the same thing. I think Glenwood can say the same thing. I don't see these are being that determinal to our local towns – I think there is a snapshot in time that we're seeing while the gravel operation is taking place, while the dewatering is done until the reclamation is completed, yes they're not pretty but they are not complete – we look at the completed project, go look at a subdivision while its in the building process – while they're putting in the infrastructure, before the houses are built, before the landscaping is done – they're ugly but they are not complete. Let's look at the completed project here, not a snapshot in time when that first loader goes in and takes the dirt out.

Dave Moore – I want to remind you that I've been in the construction business for over 45 years and I appreciate what you say but I'm referring to, I did not call a moratorium on the entire County to shut the County down as you may have inferred through your comments on that, I'm basically saying before this thing gets out of control and we can see the acceleration of the industries coming into this valley, we can recall back May 2, 1982 when they left this valley and the problems that followed them and all we're basically saying is that we who live in westerns Garfield County who looks at this everyday can give you examples of vegetation – I say what vegetation. You talk about reclamation; I want to see what reclamation. You're talking about gravel pits that we have not even been filled with water yet and apparently they're not going to be filled with water – we're talking about these eyesores, not shutting down Garfield county we wouldn't want to do that anyhow but if the end result is going to end up in one big eyesore then yes we need to take a step back and look at the whole thing and if it takes some time out and if we need a moratorium, not shut down the plants that are in existence now, a mean a moratorium on new applications so that we can get an accurate appraisal of the whole situation then we need to do it – that's just good business.

Commisisoner McCown – if there are pits that have not filled, or not reclaimed, those permits are still active pits, they may not be mining out of them today but those permits are still active. That's how DMG works.

Alan Lambert – who sets policy? Planning & Zoning or BOCC? We presented the first idea for a River Corridor Master Plan at the Planning Commission meeting concerning the Glen Pit – they looked at each other and say they don't make policy, the Commissioners do and did nothing to go forward on this. Who sets the policy?

Chairman Martin – the P & Z makes recommendations to this Board on zone text and zoning in the review process, etc and make a recommendation to this board and we accept the policy or not. And if we do accept that policy and its sound policy then we put it into effect and it becomes the rules of the land.

Alan Lambert – more comments – you're saying that these are implied one pit at a time; you're not looking at the overall cumulative effect of all the pits up and down the river. You have the mayors here of all three of the communities most affected, the city councils of at least two communities asking for a master plan to be put into place, Rifle alone is representing 8,000 people, they are a part of this County, we have a big concern of the health, safety and welfare of the people in our community. One of the things that are not being answered is how much gravel out of the river before it starts affecting our water quality.

Chairman Martin – you need to turn to the very last page and the 3 items I identified – you'll see that the Federal government, the State government and the County government as well as the local municipalities have not answered that question and the scientists will tell you that if you change the course of the river or the hydrology or the pressure of the river that it will change course, it will change the height and the speed of the river, it happens everywhere.

Alan – it could leave our intakes high and dry so we have major questions concerning this and would like to have a discussion on what possible impacts are going to take place and how to mitigate this – we need to have that meeting.

Chairman Martin – Federal, State and Local Governments have none and it also shows that there's no cumulative impact whatsoever or standards of that and that's why I'm going back, is it going to be immediate response to your concerns or requests – not it's a very long period of time so we can get that hydrology or that cumulative impact all the way from local to federal so that it can become the rule of the land.

Alan Lambert – so in the meantime do we approve everything that comes in the line and mess up our water system, mess up our wildlife, mess up our view sheds?

Chairman Martin – I understand that's a point of view but we also have the safeguards in place and why we have the rules and regulations in place and the permitting process with all of those other agencies as well as your own watershed that you have some authority and you can say yes or not, you can identify some of the negative impacts or some of the positive impacts and that again is being part of the team that make the decisions about the entire county and you're recommendations. That's why we again harmonize

with your own zoning and we said we did. We sat down with your own planning commissions as well as ours and adopted those – if you need to make changes, you need to do it not only locally but we also make the recommendation. Alan – the safeguards as questionable and that's why we need to start having a discussion on this.
Chairman Martin – it is a start on where we need to go, what we need to get done but not to change is, not just hold everything in time so that we can make those changes.
Alan Lambert – absolutely. That's why we're here. Maybe an agreement to abide by whatever regulations we come up with out of these meetings.
Commissioner Houpt put a motion on the table to schedule this within a month with the stakeholders that she submitted and have a meeting and help us advance this discussion in an organized meeting and the result on how to move forward – just getting a meeting of the minds – some revised regulations – master plan – let's start with a meeting of the stakeholders and facilitator.
Commissioner McCown felt the list is a bit inadequate and suggested the EAP, home builders, developers, CDOT, oil and gas industry, COGCC, CDPHE and Planning Commission
Discussion.
Commissioner McCown seconded for Discussion.
Commissioner Houpt, Commissioner McCown, Lee Estes, Nancy Limbach and Chairman Martin added additional comments.
In Favor – Houpt – aye Opposed – Martin – aye McCown – aye
Commissioner Houpt made another motion that we meet with the stakeholders meeting, that once again is facilitator by an agreed upon facilitator by the County Manager and the City Managers and that on the agenda we include a concept plan for development and that means that we understand what the activity is going to look like from the time it starts to the time it's reclaimed, we define reclamation, we define the closure timetable for reclamation, look at environmental impacts including water quality and wildlife issues and discuss cumulative impact is more of a master plan and I would agree that this will take longer but I think the stakeholder group can make a determination on whether they want to move forward on another project as well on a long term basis on a master plan and invite all the stakeholders that I named in the list and scheduled if not by the end of August, then by the first week in September.
Commissioner McCown – second. Explain your concept for development plan – are you talking about a sketch plan for instance like a subdivision?
Commissioner Houpt – yes I am, I've seen some gravel pits where everything is mowed over, others where they have created cells around old growth and critical areas by rivers, so yes I would say that's all part of that final reclamation plan because it sets the whole land use picture for how a project can be reclaimed.
Discussion
Commissioner McCown as to the time table are you expecting commitments from minerals and geology at the time it's permitted or are you anticipating us superseding the State on a time table.
Commissioner Houpt– no that's why we want all these stakeholders here, I want to hear from them, why or why not it makes sense to have a timetable for closure.
Commissioner McCown –one of the things you will hear Tresi and I can support the four areas you've named here but it's a market driven business and the reclamation time oftentimes is driven by the demand on the market, on the product, some of these may exceed the reclamation times given the demand for the product. Would you have a problem with that because it's going to create more activity?
Commissioner Houpt – it would depend on what kind of impact that has on the area.
Commissioner McCown – which is your greatest concern, the development concept or the speedy reclamation because their development concept may in fact entail a very aggressive mining process that at the time that's happening, could be impactive. But your reclamation is much quicker by years quicker.
Commissioner Houpt – environmental impacts along with that, all tie in together because they're concept plan for development will determine what kind of impact they have both short and long term on those environmental concerns but we need to get people at the table to really understand that and define it.
Chairman Martin – it's a really good idea but I don't see any commitments from the other agencies, statewide or federal to even attend and what would be the ramifications if they didn't other than we would still have to go to them to get things changed that they control on their permitting process.
Commissioner Houpt – we want to invite them and she volunteered to write letter or make phone calls or both to get them to the table.
Commissioner Houpt – lets try to make the process happen and can't imagine that they wouldn't be interested in hearing what the concerns are from other stakeholders.
Chairman Martin –this drives me to let them know how we think by going straight to them that are causing our concern. That was my approach and I got at least two mayors and hope to get three or maybe 5 mayors to sit down and say let's address those, again its a long process and another expense consultants don't come cheap and the outcome is still questionable.
In favor; Houpt – aye McCown – aye – Martin – no vote (not inhibiting)

Estes – fast track – for gravel – our moving so fast and approving pits – river bottom – environmental – another pit starting operations and 3 miles of solid gravel pits – hope we're not moving it forward so fast – may not have all the answers.
Scott Balcomb – has study going on – swears it will be better.
Martin - In 10 years – 3 gravel pits – impactive –
Houpt - Be proactive – a vision for that corridor and provisions in place to protect this – may be a moratorium -
Estes – make time

Dave Moore – meeting on Thursday – asked John to take something – John – concentrating on the majors – contracting right people – rule changes and sooner than the outcome of the meeting.
Putting the pressure on myself to get something done and not just a good feeling approach.
Don't understand to her motion –

Martin – it takes too long and no assurance that anyone is going to be there – permitting process and that is on Tresi to do so – has his own assignment.

Thursday – discuss the gravel pits – intensity is rising daily.
Martin – not against her approach – a more reasonable way and get the information sooner – than talking about theory –

Martin – feels he can do more – committed to getting results faster –

Houpt – john is reacting and her approach is to get the stakeholders and working on a plan on how to best approach the corridor.

Scott Pit was not withdrawn – postponed. Withdrew their public notice – application is active – coming back in September –

Nancy – one concern – Glen pit – none of their reports were turned into the Town of Silt –

Ed – reviewed the list: concept for development, reclamation plans, closure time tables, environmental impacts specifically water and wildlife and cumulative impacts- that 5.
Commissioner McCown – well the four that I agreed to was the development concept plan, the reclamation, the time table and the cumulative impact. You can't do any of the first three without discussing wildlife.

DISCUSSION ON NACO RESOLUTIONS
The 38 Resolutions were briefly discussed and each Commissioner agreed to compare notes and share with John Martin.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

AUGUST 14, 2006
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 14, 2006 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

- ***Road and Bridge – Provide and Install Guardrail – Marvin Stephens***

Marvin Stephens and Tim Arnett presented the recommended award to United Rentals in Denver for a new price of $33,663.11 for the guardrail.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid for the installation and guardrail and award to United Rentals in Denver for a not to exceed price of $33,633.11.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Road and Bridge – Yearly purchase of grader cutting edges – Marvin Stephens***

Marvin Stephens and Tim Arnett presented the recommended award for the grader cutting edges to go to J & S Contractors out of Denver for $13,910.00.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the cutting edges to J & S Contractors for
In favor: Houpt – aye Martin – aye McCown - aye

- ***Road and Bridge – Annual procurement of Galvanized culverts – Marvin Stephens***

Marvin Stephens and Tim Arnett presented the recommended award for the galvanized culvert pipe to go to Grand Junction Pipe out of Carbondale for $49,780.75.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the galvanized culvert pipe to Grand Junction Pipe for $49,780.75.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Maintenance – Providing and Installing Paging Speakers – Richard Alary***

Richard Alary and Tim Arnett presented the recommended award for providing paging speakers in the Courthouse and County Administration Building to First Call Communications out of Glenwood for $16,923.00.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award the installation and paging speakers for the Courthouse and County Administration Building to First Call Communications for $16,923.00.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Fairgrounds – Master Plan – Jesse Smith***

- ***Fairgrounds – Procurement of Rodeo Panels for the Garfield County Fairgrounds – Jesse Smith***

Jesse Smith, Bob Compton and Tim Arnett were present.
Jesse explained this was the largest attendance at the Fairs for the last several years and it was a very successful Fair.
A power point presentation was presented showing the Master Plan. Jesse stated they would like to go ahead and start with some of the safety issues. Fencing and wood – the wood has begun deteriorating and the wood at the top of the chain link is exposed and very dangerous. Other slides show broken rails and it all needs to be replaced. Other slides were shown illustrating the wood and fences hazards. Announcers Booth – this is also unsafe, unsecured and very hot. The Roping Shutes are dangerous for the animals and the people running them. "B" Barn – old wooden stalls and the barn as deteriorated to where stockman users of the stalls will not use them anymore. The stockman requests that these be replaced. "C" Barn – add additional 24 stalls similar to what is there presently raising it to 192 stalls. Two customers bring up portable stalls presently. The proposal is to remove all the old wood and a bid is in to purchase heavy duty stock panels to reconfigure the panels changing the configuration of the arena from 200 by 300 and downsize it to 150 by 250 which is pro-rodeo size. All the old temporary panels will be used for stock pens. By doing this it will increase the attractiveness for rodeos and other outdoor events. The budget for 2006 is $263,500 and there is $290,000 in the budget to do the work. A breakdown of the projects were submitted and reviewed. Bids are ready to present to the Board for all the work proposed.
Commissioner McCown asked about the time frame to have all this completed.
Jesse responded that Marvin could use the downsized arena for his motor grader contests.
Marvin addressed this new proposed size arena saying that it will be tight along one end.
Jesse said during the concert they installed panels all around the arena and it took 2 hours so when there is an event that needs a larger arena, the panels could be accomplished in that length of time. All fences would be moveable. It pulls the rodeo closer to the stadium by 50 feet.
Commissioner Houpt – The City of Rifle is anticipating the move of the Fairgrounds in their long term plan and asked about the fence being moved.
Jesse explained the budget line item amount saying it was for paving, patio covering off the side of the kitchen, roof over the scales, etc. They are proposing to address these safety changes first and changing priorities.
Bob Compton stated that the rodeo association will bring in more rodeos if it was downsized. He is in favorable of doing the safety items as proposed. The future of the Fairgrounds is going to depend on what the Commissioners do. They have been turning away many people due to the facility conditions.
Chairman Martin – the new barns to be located closer to the back fence was suggested.
Jesse explained the cost of doing that is $.5 million.
Commissioner McCown noted the cinder block barns were to go away and new ones installed around the new arena.
Bob said they measured it out and they couldn't get enough stalls. The new proposal is 190 stalls.
Tim addressed the fence issues – 2W Livestock Equipment is the bidder and a proposal was submitted.
Chairman Martin favors addressing the safety aspect of the facility.
Commissioner Houpt agrees with the update and the fact that we are investing in the future with removable items.
Commisisoner Houpt – as long as we have the Fairgrounds facility it is important to keep it safe. This is a piece of our culture in our community and this type of an investment will not have to be made every year.
Jesse said next year they will be bringing in a proposal to address multiple events.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid to 2W Livestock Equipment for $263,000 and to approve the conceptual plan.
In favor: Houpt – aye Martin – aye McCown – aye
Road and Bridge to do the drainage work at the Fairgrounds.
The Board wants to do the inspection prior to the transfer.

- ***Accounting – Etekologic Inventory – Bob Prendergast***

Bob Prendergast submitted a power point on the TraxFast 34 Asses Management.
TraxFast 34 is the program and Etekologic is the software they are using. Colorado State
Statue recommended the practice for continuing inventory. The staff took a class and the emphasis was on keeping track of the inventory. Theresa was an added staff to handle the inventory and will continue where Sandy's contract ended. A new form has been added to keep the data current. The software includes photographs. The TraxFast Reports were illustrated showing the detail. This software enables the reporting and tracking of the County's assets.
Once the inventory reports are updated, each department will be responsible to keep the inventory up to date. Training will be given to keep it current.
Sandy's will assist with the Fall Preliminary Physical Inventory except for the Sheriff's Office and an annual physical inventory every January.
The new bar codes will identify the equipment, the room that it is in and the department area.

- ***Public Health – Out of the Darkness Community Walk Request – Mary Meisner***

Mary presented a report from the Garfield County Suicide Prevention Coalition noting that Garfield County is high on the list for suicide. The August 26th walk is the first of its kind and is a collaborative effort with the American Foundation of Suicide Prevention (AFSP), and the suicide prevention coalitions of Garfield, Mesa, Delta, and Montrose counties. The money raised will support research and education on the national level ad locally help to bring Safe Teen (a suicide awareness program) to area schools, provide counseling for at risk children and adolescents through the Second Wind Fund and support outreach to construction workers.

This will be restricted to the Western Slope Suicide Prevention and the Board can opt to have all the funds go to Garfield County.
The request to the Commissioners is for $2500 to support our walkers.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to donate $2500 for the American Foundation of Suicide Prevention and designate all the funds to Garfield County.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Accounting – Questions related to 2007 Budget Presentation – Patsy Hernandez***

Patsy provided a memo to the Board with questions regarding budget preparation.
Annual increases – 4% and 1% and asked if the Board wanted a 5% in contingency.
Ed said the one concern is they are doing a salary survey and it won't be ready until the end of the year and the budget may need more than the 1% equity adjustment.
The Board has to decide to buy into the survey and also the time frame as to when this would be applied to salaries.
The Board wants to keep it at 5% in contingency.
Sales Tax Distribution – would the Board like of the 7.5 – 6.5 go to Human Services and of the other 50% of the 7.5 split and how applied.
Shall the 2007 reflect 50% of the 7.5% for the human Services budget?
Board - Yes – it is in the Resolution.
Shall the accounting split the 50% or the 1.3% - take ½ out of each one would come out of nursing and Extension. Next week the actual budget amount. This will not affect the overall budget.

- ***Accounting – Request to increase Petty Cash limit for bulk mailings – Patsy Hernandez***

The request is to raise the limit from $1,000 to $2,000 to accommodate the rising postage increases when the Clerk & Recorder and Treasurer only to the US Postmaster to do bulk mailings without much notice to accounting.
Commissioner McCown questioned the need for a petty cash check. The departments are authorized up to $5,000.
Mildred doesn't want to run 4,000 pieces of mail through the postage meter.
Commissioner McCown would like to know why the Postmaster will not do this any other way. The County should have a bulk rate permit. He's not opposed to the petty cash check but feels there should be a better way.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the increase to the US Post office in petty cash to $2,000.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Treasurer – Request to direct County Treasurer to release funds for RFTA pursuant to Resolution 05-95***

RFTA requested a release of funds collected for RFTA for $10,500 regarding the Resolution 1999-068, paragraph VI. The memo stated that RFTA plans to use these funds to make improvements at the CMC bus stop at Hwy 82.
Commissioner McCown so moved; Commissioner Houpt seconded.
In favor: Houpt – aye Martin – aye McCown – aye

COUNTY SHERIFF UPDATE: LOU VALLARIO

- ***Sheriff – request for new position – Community Relations Deputy***

Lou Vallario and Ross Talbott were present. Ross has been involved with the Crime Stoppers Program for many years.
Lou submitted a job description and stated this would be a Grade 6 position. He feels it is needed to meet the needs of community relations for community policing concepts. The formation of the position stems from daily requests for crime prevention trainings for groups, businesses, kids, etc. and current staff does not have the time to coordinate these events.

Chairman Martin is very favorable for this position and feels it is much needed.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Community Relations position for the Sheriff's office.
In favor: Houpt – aye Martin – aye McCown – aye
Lou thanked the Board for approving the safety projects at the Fairground.

- ***Sheriff – Funds for additional access hardware in Courthouse***

After a meeting with representatives from various departments, the need to have access for the Community Corrections clients to have access card readers to enter and exit the building. Also for those employees parking in the east handicapped spots, access is needed via the card reader to enable them to leave through the east door.
The request before the Board to day is to approve an expenditure of $6,385.00 to purchase an 8-place controller and readers.
Clarification was made that the clients would not have cards but employees would let the clients in and out.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the additional access hardware in the Courthouse for $6,385 to Current Solution.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Sheriff – Re-visit fees increase (continued from June 5, BOCC meeting)***

The Mileage Issue was revisited.
Don – in terms of the County policy, the Sheriff can do that.
Civil Issue – could use the County policy and with the Community policy, Lou should follow the Statute. The policy was written in 1999 and no increase since then.

The State Statue level has not been brought up to date. The State practice is not consistent with the Statute.
Don stated there is a minimum risk to follow the County policy.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to follow the County policy on mileage. In favor: Houpt – aye; Martin – aye; McCown - aye

- ***Sheriff – Spring Creek (CR 306 – Spring Creek) speed limit decrease***

Residents and County Road and Bridge staff requested an evaluation of the speed limit on CR 306, aka Spring Creek Road. After surveying the situation, it is the Sheriff's believe that the speed limit should be set at 25 mpr the entire length of this road.
Commissioner McCown - with this there will be a request for enforcement and Marvin should put up additional signs.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to
Approve to set the speed limit at 25 mph instead of intermittent speeds and the Chair authorized to sign the Resolution.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Sheriff – Discussion of SB 090 Immigration Law***
- ***County Attorney – Consideration/Approval of Notice to Sheriff and Report to Legislative Council SB 06-090***

A Resolution regarding compliance with Senate Bill 06-090 concerning local government cooperation with federal officials regarding the immigration status of persons in this state was submitted to the Board.
This was previously dealt with under the Sheriff's time.
Lou has been tracking the daily count in the jail and has noticed that ICE has been agreeable to work with the immigration and it has increased to 38% of the inmates. This will increase the jail capacity with ICE holds.
Carolyn stated they have been working on this bill. One is a Resolution and a former certification to DOLA for funds. Both documents track the documentation and formally acknowledging the facts that the proper officials were notified. It recognizing the responsibility to report to the legislative council each year and Lou and Carolyn worked out that at the beginning of each year, Scott and another person would give the number on arrest that those statistics will come to you at the beginning of the year on the last year and then Mr. Green will make sure that information gets to DOLA.
Commissioner Houpt – is this another unfunded mandate, she resists this and are being forced into signing this – it is wrong. It may create profiling in this community and would like to see this reviewed. This is really bad law and doesn't appreciate the fact that we are being forced into a situation where we need to sign this or we won't qualify for funding. She is unsure if this is going to start profiling in this area – it is obviously going to overburden the Sheriff's department and we really need to make sure this is reviewed in the next session.
Lou – has had discussion with the Legislature about it and again it's a very emotional issue and a very difficult issues, a national issue at this point and how to solve it and his concern is his responsibility as a County Sheriff is that I do see it as an unfunded mandate and see things happening like lawsuits like we had to do with DOC and the holes in them paying us unless we do some tweaking here. The two parts of this that concern me are 1) increase in jail population and 2) with respect to this requirement, notifying ICE on people in the jail is not a problem and we do that anyway, but the new piece is the patrol officers that come into contact with people on an arrest offense and usually this is a misdemeanor – 1) do not want other municipalities that utilize the jail to simply say rather than wasting my time doing this, I'm going to throw the guy in jail and let the jail worry about it or we'll wind up putting the no vacancy sign up and the other 2) is Lou is still concerned about how a police officer can determine probable cause of immigration status without any authority to do so nor the training to do it. It's almost a moot point at this point that there will be nothing to report because we don't have the authority or ability to determine probable cause. When the Sheriff's Association meets in the fall we will work it out but not sure of the solutions yet. The other things that go along with this are – notification of ICE, how long do we retain people on the side of the road on a misdemeanor offense before we're violating their constitutional rights. And these things did not get thought through when they enacted this Bill and will have to work on in the next session.
Two motions:
A motion was made by Commissioner McCown seconded by Commissioner Houpt to approve the Certificate of Compliance regarding our reporting process to the Executive Direction of the Department of Local Affairs and the Chair be authorized to sign. Commissioner Houpt seconded.
Discussion – Commissioner Houpt – this is current state law and we are doing what we need to do but I imagine there will be numerous people working diligently to fix this
In favor: Houpt – aye Martin – aye McCown - aye
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution regarding compliance with Senate Bill 06-090 concerning government cooperation with federal officials regarding the immigration status of personnel in the state and the chair be authorized to sign.
Favor: Houpt – aye Martin – aye McCown - aye

- ***Sheriff – Discussion of CARE agreement and impact***

Lou Vallario and Leslie Rockley were present.
Lou submitted a memo to the Board regarding the Animal Control Program and some immediate crisis issues, short-term solutions and long-term solutions to address these concerns.
The CARE facility is intended to be a surrender and adoption facility, not a dog pound. Stray dogs have inundated the facility and they can no longer support that solution. Also during the 2006 budget process there were discussions about financially assisting CARE with spay and neuter programs but never followed up.
This has progressed into a crisis situation.

Short Term Solution: In order to address the concern of stray dogs, Lou will direct Animal Control and Patrol to respond only to complaint issues excluding emergency issues. Also, home quarantine will be the method used where the dog has an owner rather than quarantining them at CARE for 10 days. 2007 Contract: this needs to be reworked to consider a per-animal charge or a fixed number of animals with additional funds if that number is exceeded.

Animal Shelter: The solution would be to build the facility as soon as possible. This is beyond the scope of authority of the Sheriff and requires appropriate people to work with Lou.

Leslie said they are at the point where there is no more room and compromises their day to day job. The future looks like this problem is not going away. Education is key and Amy is doing a great job and the shelter staff is doing a great job about neutering and spaying and putting a tag on the dogs is very helpful.

Commissioner McCown – Care wanted to be a partner but a governmental facility will need a policy on limits and sees the other facility providing services as a holding facility and not a hold and adoption facility.

Commisisoner Houpt – hold and release facility or more hold and adoption.

Leslie – 50% claim on the dogs and more and more are staying with the facility. These are nice dogs and they can't see why the owners are not coming to pick up their dogs.

Lou – still working to partner with Rifle on a facility. People are tying dogs to the fence and then it becomes a Sheriff issue since the facility is in the County.

Direction – Ed said the shelter could be built in 2007.

Lou said the old mill tailing site would be a better location and working with Rifle needs to be in place.

Chairman Martin – keep our priorities in place but if we can accomplish this, then revisit in 2007 otherwise keep it at 2008.

Commissioner McCown – infrastructure isn't there.

Ed – ample land at the Airport.

Chairman Martin – railroad and separate grade crossing at $10 million.

Lou – the mill tailing site will be totally commercial property and would be a great location for the animal shelter.

Commissioner McCown – the complaint mode is the only way to deal with the issue at the present time.

Operational cost - Lou said what we are paying CARE will be transferring into maintaining our own facility. There will still be some handoff to CARE after the new facility is built.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. County Attorney – Proposed East Elk Creek Road Maintenance Agreement

Don submitted a memo regarding the proposed agreement between the Town of New Castle, the US Forest Service and Garfield County concerning maintenance of East Elk Creek Road. This Agreement terminated by its own terms on December 31, 2004. Don contacted the Town of New Castle for an update and believes this to be a new agreement since the old one expired. Don suggested they contact Road and Bridge for further directions.

Marvin stated the road maintenance is minimal and he would respond to requests.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the chair to sign the agreement.

In favor: Houpt – aye Martin – aye McCown - aye

b. County Attorney - Discussion/Direction regarding Cooperating Agency MOU with BLM – CAM Colorado, LLC's Federal Coal Leases

The Coal mine is in the County and all the improvements will be in Mesa County. The level of production will go up significant and an increase in the mineral extraction.

Direction – Commissioner McCown will be the designee.

A motion was made by Commissioner McCown to authorize the Chair to sign the cooperating agency MOU with BLM, CAM Colorado, LLC's federal coal leases. No vote.

Commissioner Houpt requested Tim Henson new oil and gas liason to be the staff backup.

Commissioner McCown amended his motion. Commissioner Houpt seconded.

In favor: Houpt – aye Martin – aye McCown - aye

c. County Attorney - Discussion/Approval regarding Amendments to Contract Provision – Asset Valuation LLC

Shannon Hurst and Don DeFord were present.

Don submitted a letter to Marcus B. Scott of Asset Valuation Advisors, LLP regarding purchase of services agreement for appraisal services stating we are in receive of the alterations to the agreement and these must be brought to the Board.

Discussion:

Don reviewed the agreement and amendments. Will the Board accept these and does the Board want the continued workman's compensation and liability.

Commissioner McCown – we need to take some of the responsibility and revamp our policies as far what we are going to require on our comprehensive automobile liability because it's just now obtaining in that $600,000. Knowing that the individual has a $2 million dollar umbrella I don't feel too alarmed that their professional liability is only .5 million. They go $1. million over on there professional liability, but both policies would kick in should this individual be a problem. Don – in the professional liability area this is a minimal risk and a professional report provided and not something that would cause individual damage. The automobile will not be used extensively but the coverage being provided is below the minimum that Don finds unacceptable in most areas - it does not have a huge risk. The coverage is below the minimum of what is acceptable but the way the automobile insurance is provided is adequate but thinks they should be required to have workman's compensation and employer insurance.

Commissioner McCown left in the requirement for workman's compensation.

A motion was made by Commissioner McCown and seconded by Commissioner to approve the purchase of services agreement with Marcus B. Scott and leave in the portion of the workman's comp and accept the

corrections made on the vehicle liability, personal liability and the professional obligations and the authority for the Chair to sign in the form submitted.
In favor: Houpt – aye; Martin –aye; McCown - aye

County Attorney – Discussion/Direction regarding Cooperating Agency MOU with BLM – Oil Shale and Tar Sands Resources Leasing Program – Jesse Smith

Don submitted the MOU that establishes a cooperating agency relations between the two governmental entities.
Jesse to be the primary representative.
Commissioner Houpt – like to see Tim Pinson and Randy Russell on this since they are the experts on energy and land use.
Commisisoner McCown and Chairman Martin thought this was enough.
Jesse said Tim Pinson has a lot of PIES and he and Randy have discussed this already. Tim will take the lead and bring it back to the Commissioners.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve as a cooperating agency in the R & D and Tim Pinson and Jesse Smith be the representatives.
Houpt – still thinks that Randy needs to be involved.
Martin – a lot of responsibilities and we can include them is needed.
In favor: Martin – aye McCown – aye Opposed: Houpt – aye

EXECUTIVE SESSION
LITIGATION UPDATE AND LEGAL ADVICE – Sheriff present regarding litigation, contracts for gravel pit development, Tim for Presco at Rulison and two items in COGGC on Wednesday, and contract negotiations with City of Glenwood Springs; Discussion/Direction to staff regarding DOE Correspondence; Consideration/Approval of Structure Agreement (CR 346) with Silt Sand and Gravel, LLC

Don presented a letter to the Division of Minerals and Geology, Department of Natural Resources in Denver stating our acknowledgement of the mine and reclamation operations planned by Silt Sand and Gravel, LLC. for the "Grand River Project" and also stating that we have received information from Tim Thulson as the representative for the project, and added that the Board agrees to the proposed 80 foot setback to CR 346 and accepts Silt Sand and Gravel representation that if any damage occurs to the CR 346 understands that the Silt Sand and Gravel will fully repair the damage.

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 from Executive Session

Pending Agreement – Phyllis Lundy & Associates
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to accept the proposal as proposed by our County Manager with Phyllis Lundy Associates to provide facilitation services on the "Gravel Pit Master Planning Process" in an amount not to exceed $11,000.
Chairman Martin – actually the get together is nice idea, I still have not seen where we are getting $11,000 from above and beyond what we have appropriated, I think we can do it without spending money but since the motion is on the table we'll proceed.
In favor: Houpt – aye; McCown – aye Opposed: Martin - aye

Authorize the Chair to sign the letter to Minerals and Geology – Exhibit A – Silt Sand & Gravel

Carolyn clarified that this is only related to the State permit and has noting to do with the local permitting wherever that may be, all of this is a structure agreement in which the operator promises that should their mining operations do any structural damage that you own the right of way CR 346, that they would be responsible for that – it has nothing to do with impacts to the road that will be dealt with in the local permitting process wherever that may occur. This is a DMG required structure agreement for any operator and they have to go out and get structure agreements with anybody that has any kind of a structure within X number of feet of the proposed mining operation.
Chairman Martin – and the definition of that is a "roadway" and that roadway is what we're talking about.
Commissioner Houpt – and this isn't premature even though we are about to have a roundtable discussion that we hope you will attend.
Carolyn – this has totally to do with the State permitting system, not local and this has nothing to do with what the loaded gravel trucks are going to do to our road. This is the vibration from the actual mining operations or other such things that might happen because of the operation.
We are asking for authority for Mr. Martin to sign that and the originals for Silt Sand and Gravel managing partner's signature.
Commissioner McCown made a motion that the chair be authorized to sign the letter to Division of Minerals and Geology regarding the structure agreement. Commisisoner Houpt seconded.
In favor: Houpt – aye Martin – aye McCown - aye

Department of Energy

Don – a letter from the Department of Energy indicating our strong desire to conclude the study and modeling for the Rulison blast site; we have sent similar documents to them in the past but at this junction through the COGCC has also become involved asking for legal action and Brain Mackey said it might be beneficial that we also voice our concerns.
Commissioner McCown supports the writing of a letter to DOE and go out with the signature of the chair and he be authorized to sign said letter.
Chairman Martin – wholeheartedly support that.
In favor: Houpt – aye Martin – aye McCown - aye

Crescendo – Revegetation Only

Carolyn stated the Resolution was approved under the consent agenda on Security under SUP on the bond is small change compared to the reclamation bonds. A request from Slate River, the Resolution was issued to Crescendo but it's been sold since the Board approved it and they would like to use a letter of credit that meets all of our standard requirement except for the place for presentment is the corporate office of the bank in Oklahoma, the issuing bank is the in-state, Colorado State Bank, which is owned by this banking conglomerate in Oklahoma, they are willing to let us present the document by mail or other delivery service but in the past we've always required that the place for presentment had to be in the state. The second thing they requested is that the LLC not be issued for a 2-year increment, rather 1-year with an automatic renewal and that's their internal banking procedures.
Commissioner McCown – they have a bank in Colorado, but the mother bank in Oklahoma, why can't they process this in Colorado.
Don – they have a licensed branch in Colorado, present to their licensed branch.
Carolyn - Automatic one year renewal.
The Board didn't have a problem.

COMMISSIONER REPORT

Commissioner Houpt – NACO meetings which were very good – a lot of Resolution in the environment, land use and energy – as a Commission we got together and no resolution of concern, off shore drilling and ended up being consolidated and very specific to this – tax revenues; all of the steering committees Resolutions were reviewed and a lot more input – copies of the Resolution will be submitted to the Baord. Sister is in the hospital and was called away – Meeker for the dinner at the Smokehouse. Meeting with EnCana on Friday a tour of their project.
Commissioner McCown – at the Fair, Airport – Congressman Salazar – received funds from FAA on Wednesday of last week; Tues – Strategic planning; Tues Meeker with OCGGC; Travel management at Rifle Fire house Thurs – honor swearing in – Denise Lynch being sworn in; watershed meeting
Chairman Martin – NACO in Chicago – Resolutions – some disappointed in attendance; too many workshops but attended the ones he could; thanked for the participation of the County picnic. The judging of the cookie at the Fair and the results were available. Ed and Jesse were thanked publicly at the Fair. Next year the picnic will not be scheduled the same time as the County Fair.
Chairman Martin – Carl Mount and inspectors from the State. – interested in the gravel and met with the mayors. Listen – 11-56-00 – research on the mined gravel pits and will come here and will do field trips and check out the gravel pits – no national standards – willing to put this together. Western District in Glenwood on the 24th at 9 am.

Carolyn – follow up – Old Castle – SUP – can pick it up tomorrow afternoon.
Follow – up after Ex Session – SUP for Crescendo – the security for vegetation – after ex session and structure agreement.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Authorize the Chairman to sign Abstract of Assessment – Shannon Hurst
f. Authorize the Chairman to sign an Acknowledgement of Partial Satisfaction Subdivision Improvements Agreement for Phase C & D, Valley View Subdivision – Mark Bean
g. Authorize the Chairman to sign a Special Use Permit for a 6-inch Natural Gas Gathering Pipeline for Crescendo Energy, LLC. – Mark Bean
h. Authorize the Chairman to sign a Reduction Certificate for Subdivision Improvements for Sun Meadows – Mark Bean
i. Authorize the Chairman to sign a Special Use Permit and a Resolution concerned with the approval of a Special Use Permit for "Extraction, Processing and Material Handling of Natural Resources" for the Oldcastle SW Inc. and Yvonne Chambers – Mark Bean
j. Authorize the Chairman to sign an Amended Final Plat of Lots 11 – 14 and 11 ft. of Lot 15, Block 8, Townsite of Cooperton – Mark Bean
k. Authorize the Chairman to sign an Amended Final Plat of Lot H22, Filing No. 7, Aspen Glen – Mark Bean
l. Authorize the Chairman to sign a Second Amended Final Plat of Lot B9, Filing No. 1 – Aspen Glen – Mark Bean
m. Authorize the Chairman to sign an Amended Final Plat of the East Half of Block 2, Townsite of Cooperton – Mark Bean
n. Authorize the Chairman to sign a Resolution concerned with a Request for Two (2) Special Use Permits as follows: (1) To construct an ADU in the Floodplain, and (2) To allow an ADU on the subject property, 8.49 acres in size, located at 335 Village Drive, Rifle, Colorado, Zoned A/R/RD, owned by Brian and Tanni Rust – Mark Bean

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – n omitting b & c; carried.
In favor: Houpt – aye McCown – aye Martin - aye

REGULAR AGENDA
PUBLIC MEETINGS: SEMI-ANNUAL TREASURER'S REPORT AND PUBLIC TRUSTEE REPORT – GEORGIA CHAMBERLAIN
Georgia Chamberlain and Jean Richardson were present.
This needs to be published after acceptance by the Board.
Georgia pointed out that she is a revenue collection agency and concerned about the revenues. The reason there is a dramatic increase is this is the time of our tax collection and the balance started out at $35 million and ended up at $59 million but certain in the second half of our year we will spend.
Chairman Martin – you will disburse that money and probably more in collections; we're not going to keep that in our bank account so it will come and go. In case energy may have a bust and we're able to go ahead and have an energy mitigation fund in our budget and that way we have less of a fall like we did in the 80's.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to accept the Garfield County Treasurer Semi-Annual financial statement.
In favor: Martin – aye McCown – aye Opposed: Houpt – aye

A motion was made by Commissioner McCown and seconded by Commissioner Houpt directing the Treasurer to publish the report in the newspaper of general circulation – the Glenwood Post.
In favor: Martin – aye McCown – aye Opposed: Houpt – aye

REQUREST FOR RECLASSIFICATION FROM PART-TIME TO FULL-TIME FOR TREASURER/PUBLIC TRUSTEE STAFF – GEORGIA CHAMBERLAIN
Georgia submitted the reason for the request stating that Shirley Boulton will be retiring October 1, 2006 and the part-time position needs to be increased to full time due to the steep learning curve and the increase in business. The citizens will be best served to move this into a full-time position.
This will be a hiring in at the clerk level. Training will occur in Glenwood. The individual running the Rifle office will be advanced to a higher level. This is the 3rd retirement within in year; we're working on getting everyone trained to do the job.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the .5 FTE person be created to a full time person and that we allow the $4,080 for the cost of that person as a Clerk II. In favor: Houpt – aye; Martin – aye; McCown – aye.
DISCUSSION/DIRECTION REGARDING OIL AND GAS IMPACTS – TOWN OF DEBEQUE
Lou Vallario has been approached to response and Jesse Smith and the Mayor has discussions about the future needs in the area.
Lou stated the Marshall in the area is also sworn in as a deputy in the area and gives them time to respond. It's a good working relationship and as OXY brings in man camps they will need additional staff and have asked for a 3rd Marshall. Garfield County would pay 1/3 of the position. The current marshal is paid by DeBeque and now they want us to help with a 3rd person who would also report to DeBeque. Lou will present this in the 2007 budget.
Chairman Martin – fire-fighting equipment is needed and we are trying to help our citizens with this need. Again, leads up to funding and DeBeque looking for answers which is going to the Assessor on how they approach different things on oil and gas industry, Larry was thanked for being on the task force in reference to the employee count and went from zero to 26 and it helps out tremendously and what other issues are they missing on oil and gas and that's why Tim is important, the Assessor and treasurer and where those monies go and how can they better work with the oil and gas industry to get funding to be self-sufficient. That's why they want to meet with Garfield County.
Lou – this is fairly common in my business for example Baxter Pass, Mesa County generally responds to that because they can get there quicker. We have Mesa County property south of Silt and Parachute and we respond due to a quicker response, Rio Blanco helps us in the Trappers Lake area which is in Garfield County, it's not uncommon for this to occur, it's the actual topography versus the lines on a map and we all chip in and help on a regular basis so this is just formalizing some of that with the Town of DeBeque and it's wonderful that they have supported us all this time and haven't asked for anything in return.
Commissioner McCown asked if Lou would expect an IGA or a grant.
Don – it would be an IGA there are actual services that need to be performed and this is technically an employee of Lou's when performing services in the County, that is for liability purposes and need to be assured of proper insurances and worker's comp are in place and will be put into an IGA.
Commissioner McCown on the typography – oil and gas activity south which is in Mesa County and the north portion in Garfield County. Glad to see that Mesa County is coming in on this with 1/3 as well.
Lou – believes Mesa will support the 1/3 of the position. This would be in the 2007 budget.
No action needed today.
A discussion regarding Man Camps and responsibilities were reviewed.

7:00 p.m. City Hall in the Town of DeBeque – Chairman Martin and Tim will attend.

VALUATION OF GAS PRODUCTION – SHANNON HURST

Shannon Hurst presented a power point regarding Mill Levy and Taxes. She explained what a mill levy is and it's defined as the tax rate expressed in mills per dollar of assessed value. The calculation of property taxes has three components: 1) this is done in the Assessor's office where we determine the actual valuation in accordance with State Statute; 2) this is the assessment rate as determined by the legislature and 3) is the mill levy and each taxing entity in Garfield County submits a mill levy for approval, the Commissioners give the final stamp of approval in December. Assessment Rates: We have different types of assessment rates dependent on different classes of property. If you have a residential piece of property with a house on it, the assessment rate is 7.96%; producing gas wells is 87.5%; and all other property is 29%.

Commissioner McCown – asked Shannon to clear up the producing wells; it is not the property that is at the well head, that is the gas itself, the production.

Shannon – The formula for property tax calculation is that you take the actual value times the assessment rate to get to the assessed value, and then you take that times the mill levy to get your property tax. Because the mill levy is in thousands, when you multiple it you move the decibel point three places to the left. A sample property in Glenwood was given the tax assessment as an example.

Oil and Gas

Shannon stated that she is very proud to work for Garfield County and to tell the Board that we are definitely a leader in the valuation of gas production. We are the first County ever to attempt to audit the gas companies. Secondly we are also the only County in the State to have an individual who physically inspects all well site equipment and those first two are thank you to the Commissioners for funding those two items. The third is Sean McCourt who is the oil and gas auditor and has done an excellent job in the area of valuation of gas production and his skills and expertise surpass others in the State in fact when the Division of Property Tax, their representative who does the oil and gas was out due to illness, who did they call but Sean for his advice and knowledge.

The first graph will show the assessed valuation for Garfield County from the year 2001 through 2006 and in fact we rounded 2006, this is $1,745,000,000 and you can see the huge increases over the past 5 years. Any entity in the west end of the County is going to show this same pattern. Re-2 School District and in 2004 they were $359,000,000 and not they are up to $987,000,000. Four or five years ago our total value for the whole county was $900,000,000 plus million.

Commissioner Houpt asked about the audit being done.

Shannon – this is just current assessment. This year Sean had a lot of time because we had someone in the office to help him with the valuation and he did a lot of auditing as he went this year with the various companies and that's why you see this large increase because he would question them as to what they were sending us and some of them sent revised.

School District 16 – it doubled this year. It went from $319,000,000 up to $672,000,000.

Shannon has worked hard on doing the relationship between valuation and these are all residential properties on the west end of the county and their relationship to taxes. When she did this she picked a sample of properties in each area that didn't have new construction, remodels because that would skew the figures and figured the median percent of increase in value and the median decrease in taxes. This first one is for Rifle and the graph shows the increase in value compared to the decrease in taxes. The value has gone over 35% and the decrease in tax continues to go down. Something to remember with RE-2 and School District 16 is that those properties, those school districts asked for a mill levy override so this decrease in tax includes that mill levy override.

New Castle graph was shown and it also shows the large increase in value and values have gone up about 16% from this point in 2001 but their taxes have gone down 7%.

The last slide was Battlement Mesa and it had something else going on in 2000 which was the American Soda plant. That is when the value was at its highest so in the year 2000 they had like a 25% decrease in their taxes but then once American Soda slowed operations and our value fell, then the oil and gas picked up so they've had a huge decrease like 35-36% in their taxes.

Shannon included the spreadsheet on the mill levies. She selected all district that include RE2 or School District 16 to show the pattern of mill levies and how they've gone down from the year 2000 to 2005 and have that the median mill levy decrease by 12.582 mills in 5 years. That is a 21.17% net decrease.

Commissioner Houpt – suggested that Shannon briefly educate the public on the relationship between what has created the decrease in taxes.

Shannon, the huge decrease in taxes is due to the decrease in the mill levies which is due to the increase value in gas production. The school districts because they are under the school finance act cannot keep any of the excess dollars, so they are continually asking for mill levy overrides; they have to continually lower their mill levy.

Commissioner McCown – would you briefly address the one piece of legislation that drives the 29% and the other percentages of assessment - the Gallagher Amendment.

Shannon – the Gallagher Amendment actually states that residential property owners will not pay more than their share of the tax and the total tax for the whole State of Colorado residential properties can only make up 45%, the balance being 55% so what happens is each year that assessment rate for residential property if you have a house on it continually goes down. And so the other property owners, vacant land and commercial, personal property – they all make up for a bigger burden of the tax; the burden is put on them and they are capped at 29%.

Chairman Martin – Shannon was not able to attend the appreciation of employees and the Board gave Shannon her 22 year pin. Also Sean McCourt, a bicycle enthusiast put together a training group and understand Jeff Nelson is part of that as well and have three achievers on the National Recognized Achievers list in bicycling and no other entity in the United States has that many. Three in Garfield county and it's thanks to 2 of our employees, one under Shannon's direct control and thank you for giving him the time and the ability to go ahead and help our youth of Garfield County. He recognized Sean for his efforts.

Shannon thanked Linda Morcom for her help in putting the graphs on power point.

Ed Green is amazed at how reasonable his taxes are compared to where he lived before.

Commissioner McCown – along that same vein, he was asked by several residents at the County of that money up-valley and tried to explain to them that with the increased valuation and the mill levies going down, even thought there are significant increases in some funds coming in, those funds to into the county budget and they do benefit by what's generated in the west end of the County and the Road and Bridge Fund and the General Fund and programs that affect them in the south end of the County even thought they don't have the direct benefit of their mill levy going down, they do reap the benefit of the funding source coming in. Some lack of understanding that you can't just transfer funds up to their area and reduce their mill levy and we can't do that by statute.

RELEASE TO CONTRACT NO. 6, OLSSON – PETER MULLER, BRIAN CODIE

Brian Condie, Carolyn Dahlgren and Peter Muller were present.

Release to contract No. 6 to Olsson was presented. A meeting with the FAA and going over the layout plan and projects and tried to head off any delays – one was identified about the length of the airport runway originally proposed to be 7300 feet and since then the FAA has moved this back to the original 7000 feet and we need to do an Airport Plan update to accommodate that change mainly so that the airspace people in Washington would run the numbers off the correct runway position instead of one that the ALP showed.

Peter Muller – this is quite significant as the maps showing the layout had some 10 original drawings and the 7,000 feet impact needs to show an imaginary plan and basically changes the maps. This doesn't affect anything except the maps. The FAA wants the First Phase to shown 300 feet back – no reason to show it on the maps and don't want to take any changes – eventually we can get to 7300 and potential 7700 feet. This streamlines the approval process for the FAA. We will be doing 7000 and show it in the drawing and at sometime extend it to 7300 and eventually to 7700.

This is some wasted effort but it helps to meet the deadlines and the review process.

Brian stated these are the $25,000 and FAA will pick up 95% and the cost for the County is $1300 and is worth it to save 6 months of review on this project.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the lump sum fee of $25,400 that they release the contract to Olsson and Associates for the change in the requirement by the FAA on the length of runway designation.

In favor: Houpt – aye Martin – aye McCown - aye

AMENDMENT TO MINIMUM STANDARDS, PART III, SECTION (11) AND CHANGES APPROVED NOVEMBER 7, 2005, PART III, SECTION (1): CONSIDERATION AND AUTHORITY FOR CHAIRMAN'S SIGNATURE ON RESOLUTION OF APPROVAL – BRAIN CONDIE, CAROLYN DAHLGREN

Brian Condie and Carolyn Dahlgren presented this as a clean up. At the end of last year you approved changes in the minimum standards for the fixed base operator and what is now needed is a formal Resolution accepting those changes. The second part has to do with what kind of an organization do you want to run – non commercial operators out at the Airport and needs something approved today. Carolyn said they left the ownership structure essentially blank wanting to further discuss whether the Commissioners were going to allow unincorporated associates and whether or not they would allow condo minimization out at the Airport. The

Oberholtzer T-Hangars were approved years ago as a condo and as a condo association but that condo association never got up and running and so the Board actually ending up dealing with a single owner rather than a condo association. Hopefully Brian and Carolyn have beefed this non-commercial operator regulation so that we won't end up in that type of situation again and the Board can be more forceful in making sure they have an actual association to deal with.

Commissioner McCown – is there anything to prevent a condo association being one person if they own all the entities they would be.

Carolyn – right, an individual can be under the common interest ownership act and the old condo association as well.

Several items were discussed.

Carolyn explained the changes and issues.

1. Incorporated or Unincorporated Entities
2. Insurance
3. Ownership Structure – does the Board want to allow an unincorporated association or do they want to say you must always have an incorporated association. Carolyn has a basis for having an LLC or some kind of incorporation.

Brian said it is easier for the County to work with Corporation and not the citizens. Trying to protect The County's interest.

Commissioner McCown – corporations are protected whereas individuals are not and he favors not just having corporations; individuals will have to have the same qualifications as corporations. To pay $500 and form a smokescreen corporation will not benefit the county and it will still allow them to participate at the airport.

Carolyn – the City of Glenwood Springs Airport does require a corporation.

Brain wants this to be brought to the Board's attention; the Board favors leaving it as is.

Commercial Hangar insurance will remain the same.

Hangar rental – exclude it from the exclusionary – pay an additional $250 activity and can not open up a shop to sell fuel, etc. At then end of the lease it becomes the County property or they can renew the lease and it has to meet the quality standards.

Wordsmithing on No. 4 –what functioning means and in No. 3 – association members – all members will be responsible and add an additional sentence – limited to their proportionate.

Flight training is still going on – this is optional. The hangar is there and could open up to a flight club. They must provide insurance if they do training at the Airport; they still do it off premises.

Approval of minimal standards

Carolyn stated they need an approval for the minimum standards part 3, section 11, consistent with the discussion and also an approval and authority for the Chair to sign a Resolution that would include both today's action and what you did in November 05 regarding the FBO.
Commissioner McCown – so moved. Commissioner Houpt – seconded.
In favor: Houpt – aye McCown – aye Martin - aye

PUBLIC HEARINGS: DISCUSSION OF THE 5TH SUPPLEMENT TO THE 2006 APPROVED BUDGET AND THE 5TH AMENDED APPROPRIATION OF FUNDS – PATSY HERNANDEZ
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.
Patsy explained the additions to the budget and presented Exhibit A & B for the record.
Exhibit A has no direct impact it is to move within line items. Exhibit B - are changes to the 2006 budge
Chairman Martin entered Exhibit A and B into the record.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve close the Public Hearing; motion carried.
In favor: Houpt – aye McCown – aye Martin - aye
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the 5th supplemental to the 2006 approved budget and the 5th amended appropriation of funds.
In favor: Houpt – aye McCown – aye Martin - aye

PUBLIC MEETINGS:
BUILDING AND PLANNING: CITY OF RIFLE – CONSIDER A REQUEST TO WAIVE THE ANNEXATION REPORT REQUIREMENT FOR THE HOMESTEAD NORTH ANNEXATION – MARK BEAN
Mark submitted the request for the waiver of annexation Impact. The project is situated in Garfield County Road 233 north of the Promontory Subdivision. The property proposed for annexation consists of approximately 10.15 acres that will be developed into 4 single-family lots. The public hearing will be held on September 6, 2006 at the Rifle City Council and need the County's response prior to that date.
Commissioner McCown – at this time it is a private ditch and the facts presented today would be no more impact that a single family residence.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to waive the requirement.
In favor: Houpt – aye Martin – aye McCown - aye

ENCANA – CONSIDER WHETHER OR NOT TO REFER A SPECIAL USE PERMIT FOR A STAGING AREA FROM ENCANA TO PLANNING COMMISSION – MARK BEAN
Mark submitted the referral of the SUP and recommended that the Board direct staff to schedule a public hearing directly before the Board of County Commissioners. This is adjacent to commercial property.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to schedule this before the Board of County Commissioners
In favor: Houpt – aye Martin – aye McCown - aye
IRONBRIDGE SUBDIVISION – CONSIDER A REQUEST OF SITE APPROVAL FOR THE CONSTRUCTION OF A SEWAGE LIFT STATION – APPLICANT: LB ROSE RANCH, LLC – MARK BEAN
Mark submitted the application for the site approval for the construction of sewage lift station and stated the applicants propose to place a lift station on the west side of River Bank Avenue, between the road and the Roaring Fork River. The lift station will allow the houses in the northern portion of the development to the existing sewage treatment plant owned by the Roaring Fork Water and Sanitation District. The total projected population is equivalent to be served by the facility is projected to be 480 people.
Staff recommends that the Board recommend approval of the site application with no comment.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the site approval for the construction of a sewage lift station and authorize the Chair to sign with no comment.
In favor: Houpt – aye Martin – aye McCown - aye
ZONING AND BUILDING VIOLATION CITATION – DISCUSSION OF THE STATUS OF CITATION GIVEN TO MR. & MRS. DEAN DONELSON – MARK BEAN
Ron VanMeter, Tim Thulson and Mark Bean were present.
Ron cited the Donelsons for a number of issues. He said his initial investigation confirmed the allegations from the neighbor and in conferring with the County Attorney; a certified letter was mailed to the Donelsons. There are four illegal camper vehicles being occupied, thus making them illegal Accessory Dwelling Units.
Tim – this is in the middle of a gas patch and the most obvious is the trucking yard out of their site. A letter was received August 1 and the first step was to close on the property on the Silt Auction Block. The plan is to move all his operations to the Silt Auction. With the regard to the camper trailers, these are owned and not occupied. There is a trailer with a structure over it and can address it with a SUP or remove it. With regard to the ADU we are still looking at how best to address it, it's actually a trailer that they've put a structure over. This may be a SUP or if we need to remove it we will. When he moves his operation down to Silt we'll likely come back with a SUP at the present site albeit it will be a very small scale. One of the things that Jake Mall has used Screaming Eagle in maintaining the roads up there and there is a large demand up there to pull the heavy trucks out that get stuck. He has taken very significant steps to get the commercial operation off the property.
The building permit issues and a potential increase in size of one of the pre-existing structures was an issue.
Ron – this is best described as a barn. The roof, the back 1/3 of the roof of that building and the side had been added onto without a building permit and it wasn't being used for agricultural purposes from the camera's eyes.

Tim – I think we'll be turning that barn back into the use for agriculatural and if we need to get a SUP for the scale back operations they will.
Action – Commissioner McCown said it looks like the landowner is taking action and he would anticipates seeing an SUP in the next 30 to 60 days.
Tim offered to come in and give the Board an update regularly.
Commissioner McCown – one of the concerns was the traffic being generated at a very poor location to enter and exit that road.

Planning Commission Resignation

Mark submitted a letter from Michelle Foster on the Planning Commission and said she is unable to attend the meetings. Mark asked to put a notice in the paper and especially the Parachute Sun as we need one from that area.

Building and Planning New Staff

One new staff will be starting the 23rd of August and another interested individual from Vermont who worked in Montrose with Richard Wheeler.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

AUGUST 21, 2006
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 21, 2006 with Chairman John Martin 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. Commissioners Tresi Houpt was absent.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Tresi Houpt's sister passed away from cancer and the Board extended their sympathy.

COUNTY MANAGER UPDATE – ED GREEN

- ***Weed Board Appointments – Steve Anthony***

Steve submitted a memo stating that on March 14, 2006 Garfield County sent the municipalities of New Castle and Silt a letter inviting both to participate on the Garfield County Noxious Weed Advisory Board.
New Castle responded by nomination Mayor Frank Breslin for the Board's consideration as a representative to the Weed Board and Councilor Duane Guettler as the Town's alternate representative.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to appoint Rick Aluise from the Town of Silt and Frank Breslin from the Town of New Castle as Board members to the Garfield County Weed Board.
Chairman Martin commented it was great to have 100% participation from the municipalities on the Weed Board.
In favor: Martin – aye McCown – aye Houpt - absent

- ***Human Services Commission – Additional Appointment***

The application of Gwen Stephenson, Director of Senior Programs submitted an application to be appointed to the Human Services Commission.
The application of Michael Weerts, Ed.D. Grand River Hospital District's Human Resource Director was submitted to be a member of the Human Services Commission.
The application of Michele Pike was submitted to be a member of the Human Services Commission.
The application of Jonathan Shamis was submitted to be a member of the Human Services Commission.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to appoint the following members to the Human Services Commission Gwen Stephenson, Michael Weerts, Michele Pike and Jonathan Shamis.
In favor: Martin – aye McCown – aye Houpt - absent

- ***Accounting – Out of State Travel – Bob Prendergast and Cathleen Van Roekel – Patsy Hernandez***

This is to attend the New World Systems Executive Customer Conference where a number of sessions are scheduled that will provide valuable information we can put into practical use at Garfield County. The conference will be held September 17 – 19 in Chicago. The cost per individual is $1837.00 and Patsy added that this amount is included in the 2006 budget.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the out of state travel request for Bob Prendergast and Cathleen Van Roekel.
In favor: Martin – aye McCown – aye Houpt - absent

- ***Dry Hollow Safety Improvement Project – Tim Arnett***

Tim Arnett submitted a Change Order stating the price for the project for Frontier Paving and to cover the costs he's asking that we okay.
Chairman Martin – it goes from $45.50 to $57.36 a ton, is he able to get the material?
Tim said this is secured and they have a written guarantee from Frontier this time that they will provide it.

A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the change order $265,936.75 to Frontier Paving reflecting the increase in the change of cost on oil.
In favor: Martin – aye McCown – aye Houpt - absent

Don informed the Board that they could approve these contracts conceptually however; until funds are appropriated it is conceptual only.

- ***County Owner Property- Demolishing of the Lift-Up Building – Richard Alary***

A bid request to demolish the Lift-Up Building was submitted to Tim Arnett and the award bid to Groth Construction for that service is a not to exceed amount of $59,400.00.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the Demolishing of the Lift-Up Building.
In favor: Martin – aye McCown – aye Houpt - absent

- ***Custodial Services for 2007 – Renewal of Contract – Richard Alary***

Richard Alary and Tim Arnett presented the breakdown for the custodial services for each of the buildings in Glenwood Springs and Rifle. Dan Moriarty, owner of Cardiff Cleaning Services is requesting a 5.5% increase for the 2007 calendar year. The contract would run from January 1, 2007 through December 31, 2007 for a not to exceed cost of $287,040.00.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the contract for renewal of custodial services for 2007 to Cardiff Cleaning Services.
In favor: Martin – aye McCown – aye Houpt - Absent

- ***Building Maintenance – Renewal of Heating and Cooling Maintenance – Richard Alary***

Richard Alary and Tim Arnett submitted the recommended award for heating and cooling maintenance to Climate Control Company who has asked for a 5% increase effective January 1, 2007 on the HVAC units on the Courthouse and Detention Center; the Mountain View Building, Henry Building, County Road and Bridge Shop & Administration Building and the Health & Human Services Building remained the same as 2006. The total cost of the award would be for $55,620.00.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the renewal of the heating and cooling maintenance with Climate Control Company in a not to exceed $55,620.00.
In favor: Martin – aye McCown – aye Houpt - Absent

- ***County-wide Trash and Recycle Pickup – Richard Alary***

Tim Arnett and Richard Alary were present. The background and various buildings to be serviced by this contract were submitted. The total cost for all buildings is $2,137.50 monthly and a not to exceed $25,650.00 for the year. The recommended award is to Waste Management for the 2007 trash and recycling service.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the contract for a not to exceed amount of $25,650.00 for trash and recycle pickup to Waste Management.
In favor: Martin – aye McCown – aye Houpt - absent

- ***Auditing – Renewal of Professional Auditing Services for 2007 – Patsy Hernandez***

On November 15, 2004 the Board of County Commissioners awarded a purchase of services contract to McMahan and Associations LLC for auditing services for 2005 and renewed the contract in 2006. A letter from Paul J. Backes, CPA and principal for McMahan and Associations indicated they anticipate a 3.55 increase for the calendar year 2007. The contract price is a not to exceed price of $38,324.50 for another year.
This is a gray area under this immigration and will be discussed in the executive session.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the increase of 3.5% to the 2006 not to exceed $38,324.50 for our auditing services.
In favor: Martin – aye McCown – aye Houpt - absent

- ***Department of Corrections – Intensive Supervision Parole Contract – Guy Meyer***

Guy Meyer was present. A new proposed contract for ISP services combines ISP for both Parole and Community Corrections and uses a menu driven service and fee schedule. The target date for implementation is September 1st and it will terminate June 30, 2007. A working group will be established to evaluate this menu specific program during the current fiscal year.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the Intensive Supervision Parole Contract with the State of Colorado and the Chair authorized to sign.
In favor: Martin – aye McCown – aye Houpt – absent

- COHERA – Ed asked the board if they were interested in considering joining the target benefit plan. He suggested not getting involved. The Board agreed.

Jacob Pifer has done a great job in turning COHERA around but defined benefits plans can be a problem and you get the wrong board or the wrong director running them you can have some serious issues.

Commissioner McCown – you would be submitting the County to significant unknown liabilities.

Ed – this one is slightly different in that under a target defined benefit plan the benefit shrinks and expands, depending upon the performance of the funds in it. He prefers to have the employees participate in a contribution fund than having a diversified portfolio.

COUNTY ATTORNEY UPDATE – DON DEFORD

- ***Trails: Discussion/Approval of Grant Agreement regarding South Canyon Trail, Phase I – Larry Dragon, LOVA***

Don DeFord and Larry Dragon, LoVa trails were present.

This is the first phase of construction and begins at the terminus of the City of Glenwood springs River Trail near the West Glenwood Interstate 70 interchange and heads west along the Colorado River ending at the South Canyon interchange 2.3 miles to the west. It is the first of 2 phases of trail construction through the length of South Canyon, approximately 5 miles.

This project will provide a critical connection from the City of Glenwood Springs to its park in South Canyon. With the completion of Phase 2 in the next several years, the trail will provide a non-motorized route between Glenwood Springs and the communities in western Garfield County for the first time in over 30-years. The funds from this grant will be used for trail construction beginning n the summer of 2006 and are necessary due to the dramatically increasing costs of construction. The trail will be an 8-10 foot wide paved trail, located between I-70 and the Colorado River within CDOT's right of way.

Interpretive signs are planned to educate users about the history, ecology and geology of this unique area.

Larry stated that we actually received a grant for $182,408 and $29,000 is coming from GoCo so they're increasing our GoCo allotment from $1.253 million by $29,000 and the other $153,000 is coming through land water conservation funds which are federal funds and require signatures on the grant application from the County rather than from LoVa.

Commissioner McCown made a motion that the Chair be authorized to sign both Part A and Part B of the Grant Application and Agreement. Chairman Martin seconded.

In favor: Martin – aye McCown – aye Houpt - absent

- ***Discussion/Approval regarding CDOT Form #1344 Real Property Donation – Re: South Canyon Trail – Larry Dragon – LOVA***

Don had a meeting with Jeff Nelson last week and we discussed the status of that donation because we have a proposed donation agreement in hand from the District right now. Jeff still believes there is significant amount of work to be done in the design of the location of the trail. It might not appear that way initially, it looks like its designed when you see the plans but there are some adjustments that need to be made to accommodate expansion plans by the District so that we don't have a requirement to relocate the trail at some unknown time in the future. Jeff wants to complete those discussions and redesign of a small portion of the trail, then come back to you, so at this point, Don asked that we take no action in regard to the donation and bring it back to a point and time when the County Engineer's office is satisfied that a design and survey of the trail location are adequate.

Executive Session: Litigation Update; Legal Advice

Ed requested an Executive Session and legal guidance requiring a request on the variance from the City related to the Child Advocacy Center.

Don stated that He and Carolyn need to discuss some contract language in Executive Session that emanated from the Legislature regarding contracts and this would require some modifications to the standard contracts-implication on Immigration Issues, update on the two cases in OCGGC – Senior Exemptions, request from New Castle, contract with Phyllis Lundy on waiver of insurance, Williams auditor letters, public discussion on the appraisal contract that Shannon brought to you last week and PIS on Oil Shale.

Commissioner Tresi Houpt requested to participate in Executive Session via telephone.

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

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

COMMISSIONER REPORT

Commissioner Houpt - absent

Commissioner McCown – Tuesday, Sage Gross Meeting; last Friday met with a group of folks from the west end of the County including the Colorado Department of Health, Oil and Gas Commission, Energy Companies, water experts, URS – our consultant for the hydrologic study and the topic was water and there's another meeting to follow basically it revolved around perceived industry impacts on potable water wells in the area, Dr. Grody was by phone and he is coming in October to do a presentation to the public on that if anyone has any questions, seems like the lack of maintenance on water wells is the bigger enemy that anything the industry has done including the incidents we all remember, the Goad and the Divide Creek Seep, so it's an on-going educational process and well attended, a lot of good information came out, Mark Levinson was there from URS and he exchanged information as well and will be present at the next meeting so that will an on-going process.

Last Wednesday was the roll out of the Travel Management Plan by the Forest Service at the Rifle Firehouse. There is a CD of that if anyone would like to see it. Even at the presentation Wed. night they had 60 maps that you had to look through for each particular alternative in addition to a summer use and a winter use plan. Rob has been asked if he could overlay that onto one map and he said it was too big an elephant to eat – he had to bow out of it.

Chairman Martin – Monday, DeBeque attended the Town Council and offered ratification with what the Sheriff had discussed with them in assistance them on a mutual aid package, they inquired about excess equipment if we have any in reference to first responders or emergency equipment through the Sheriff's office, we would consider their request if we have any; also they were interested in Mrs. Hurst findings on Oil and Gas and when we get the final recommendation they would like to see it so they can work with Mesa County. Strategic Planning in Rifle – fairly successful, took up most of the day and the finalized version will be nice to see and then also do a prioritization and assignments. Call from the minerals and geology head, Carl Mount who is interested in coming over and meet with the 3 mayors who were at on the gravel pit reclamation projects that either need attention or are in process or will not be addressed and he sent us also 3 CD's which we need to burn some copies in reference to the regulations, the pits themselves, all of the requirements on through that have been identified.

One of the things was the ability to use the roadless area regarding the Forest Plan Travel Management Plan – inventories and how they are going to manage that and again many alternatives. We need to look at that in-depth.
Ed – a Pandemic Table Top safety on Thursday.
Chairman Martin received a poison pen letter and it includes the legal department in reference to our inability to run the county and how we have problems with our agenda – we don't deal with traffic problems and how we don't issue Special Use Permits for violators, so if you haven't seen a copy of that, its says keep up our good work even they dislike us immensely and refuse to sign.

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

Commissioner McCown made a motion to approve the following Board of County Commissioner Minutes: February 27, 2006, March 13, 2006, March 16, 2006 Special Meeting, March 20, 2006, March 27, 2006, April 3, 2006, April 10, 2006, April 17, 2006, April 19, 2006, May 1, 2006, May 8, 2006, May 15, 2006 May 22, 2006 Special Meeting, June 5, 2006, June 12, 2006, June 19, 2006, July 10, 2006, July 17, 2006, July 20, 2006, July 31, 2006 BOE and BOCC and August 14, 2006.
Chairman Martin seconded.
In favor: McCown – aye Martin – aye Houpt - absent

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 Chairman Martin to approve the Consent Agenda Items a – d omitting b & c; Motion carried.

REGULAR AGENDA

HUMAN SERVICES COMMISSION

- **REQUEST APPROVAL FOR THE 2007 HU7MAN SERVICES GRANT DISTRIBUTION – JANE MCCOLLOR, GRANT ALLOCATION COMMITTEE - 2007 HUMAN SERVICES GRANTS OF HEALTH**

Jane McCollor presented. The Human Services Grant Committee consists of Kay Vasilakis, Chair, Larry McCown, Ed Green, Dana Damm, Laurel Little, Betty Clifford, Tish Filiss and Jane McCollor. Jane thanked Linda Morcom for the work she did in assisting the committee with typing. They had $462,092 to disburse but only granted $408,100. They set aside $35,000 to offer to the applicants that had been approved to have access to this additional funding. Also, $20,000 for emergencies was set aside.

Jane presented the list of grant recipients to the Commissioners and explained the handout. She said that several options were discussed such as going through each request as was done in the past, giving everyone a 30% increase over last year or just reviewing those they felt to be out of line. It was decided not to give more than was asked for at this time. Brief comments were given on a few of the applications and some requests were decreased. It was decided to offer an additional $35,000 in April, 2007 to be requested by letter by those agencies that felt they would need additional funding to meet their needs in 2007.

The remaining $19,693 will be used to cover emergency events that may occur during 2007. The unused portion would be rolled into the next year. The Human Services Commission Committee will be notified of any agenda request to be presented so that they can review and attend the board meeting as appropriate.

A breakdown of each request was submitted along with the award of grant funds.

ADVOCATE SAFEHOUSE	$	20,000
ALPINE LEGAL SERVICES INC.		20,000
CMC EVEN START	6,700	
CMC NUTRITION		15,000
CMC RSVP		19,000
CMC THE TRAVELER		45,000
CATHOLIC CHARITIES		13,000
COLORADO WEST COUNSELING		25,000
COLORADO WEST RECOVERY		30,000
COLUMBINE HOME HEALTH		10,000
COLUMBINE HOMEMAKERS		10,000
COOPER CORNER		1,000
FAMILY VISITOR		27,500
FEED MY SHEEP		7,000
GIRL SCOUTS		5,000
LIFT-UP		20,000
LITERACY OUTREACH		13,000
MPOWER		3,000
MOUTAIN VALLEY DEVELOPMENTAL		40,000
PLANNED PARENTHOOD		4,400
ROARING FORK RESOURCE		7,000
ROARING FORK HOSPICE	5,000	
SALVATION ARMY	9,000	
SOPRIS THERAPY SERVICES		15,000
YAMPAH TEEN PARENT PROGRAM		7,500
YOUTHZONE		30,000

TOTAL GRANTS $ 408,100

A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the list of Human Services Grants as presented and that the funds be disbursed in the amounts listed.
In favor: Martin – aye McCown – aye Houpt - absent

BOARD OF HEALTH

- **CDPHE WIC CONTACT**

Mary Meisner presented the WIC contract for $206,766.00.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the WIC Contract in the amount of $206,766.
In favor: Martin – aye McCown – aye Houpt - absent

- **CDPHE MATERNAL CHILD HEALTH AND CHILD HEALTH SERVICES BLOCK GRANT**

Mary submitted the Task Order PSD-MCH between the Colorado Department of Public Health and Environment and the Board of County Commissioners benefiting the Garfield County Public Health Nursing Service for a grant amount of $25,234.00.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin the contract for the CDOHE with the correct dates inserted into the contract in the amount of $25,234.00. In favor: Martin – aye McCown – aye Houpt - absent

Board of Health

A motion was made by Commissioner McCown and seconded by Chairman Martin to go into the Board of Health, motion carried.

- **CDHPE STEPP (TOBACCO PREVENTION GRANT PROPOSAL)**

Mary presented the grant proposal and total project cost of $89,114.00. She presented the Tobacco Prevention program budget narrative giving the starting salary for the full-time project coordinator and total for personal services of 452,053.00.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the CEHPE STEPP Tobacco Prevention Grant of $89,114.
In favor: Martin – aye McCown – aye Houpt - absent

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

BOARD OF HUMAN SERVICES

- **APPROVAL OF EBT/EFT DISBURSEMETS FOR JULY 2006**

Lynn submitted the disbursements for July 2006 and requested approval.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the disbursements for the month of July in an amount not to exceed $335,891.86.
In favor: McCown – aye Martin - aye Houpt - absent

- **OUT OF HOME PLACEMENT CONTRACTS**

Four out of home placement contract agreements were submitted:
Daybreak Princeton Client ID#T552816 for $48,211.36; Griffith Centers for Children for Client ID# T469342 for $112,007.55 revision contract #403; and Griffith Centers for Children Client ID#Y497 462 for $60,960.27.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the contract with Griffith Centers for Children for Client ID# T469342 for $112,007.55
In favor: Martin – aye McCown – aye Houpt - absent

A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the contract with Daybreak Princeton Client ID#T552816.
In favor: Martin – aye McCown – aye Houpt - absent

A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the contract with Griffith Centers for Children Client ID#Y497 462 for $60,960.27.
In favor: Martin – aye McCown – aye Houpt - absent

- **AREA AGENCY ON AGING – CAREGIVER AND SENIOR SERVICES**

This is a Caregiver and Senior Services contract in the not to exceed amount of $67,063.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the Caregiver and Senior Services contract in a not to exceed amount of $67,063.
In favor: Martin – aye McCown – aye Houpt - absent

- **CORE SERVICES – COLORADO WEST MENTAL HEALTH CENTER (MENTAL HEALTH SERVICES)**

This is the Core Services contract with Colorado West Mental Health Center for a not to exceed amount of $92,150.00.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the contract Core Services contract with Colorado West Mental Health Center for a not to exceed amount of $92,150.00.
In favor: Martin – aye McCown – aye Houpt - absent

- **CORE SERVICES – COLORADO WEST MENTAL HEALTH CENTER (MENTAL HEALTH SERVICES)**

This is the Core Services contract with Colorado West Mental Health Center for a not to exceed amount of $26,675.00.

A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve Core Services contract with Colorado West Mental Health Center for a not to exceed amount of $26,675.00.
In favor: Martin – aye McCown – aye Houpt - absent

- **CORE SERVICES – WHITERIVER COUNSELING (SUBSTANCE ABUSE SERVICES)**

This is the Core Services Contract with Whiteriver Counseling for a not to exceed $14,550.
A motion was made by Commissioner Martin and seconded by Commissioner Chairman Martin to approve the Core Services Contract with Whiteriver Counseling for a not to exceed $14,550.
In favor: Martin – aye McCown – aye Houpt - absent

- **CORE SERVICES – MOUNTAIN BOCES (ADOLESCENT DAY TREATMENT SERVICES)**

This is the Mountain Board of Cooperative Educations Services (Adolescent Day Treatment services) not to exceed amount of $65,000.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the Mountain Board of Cooperative Educations Services (Adolescent Day Treatment services) not to exceed amount of $65,000.
In favor: Martin – aye McCown – aye Houpt - absent

- **CORE SERVICES – GRIFFITH CENTERS FOR CHILDREN (MULTI-SYSTEMIC THERAPY SERVICES)**

This is the core services Griffith Centers for Children in the not to exceed amount of $11,700.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to authorize the signature once approved by the legal department approve the core services Griffith Centers for Children in the not to exceed amount of $11,700.
In favor: Martin – aye McCown – aye Houpt - absent

- **COLORADO DEPARTMENT OF HUMAN SERVICES' COLORADO PREVENTION PARTNERS**

This is the Colorado Department of Human Services' Colorado Prevention Partners in the not to exceed amount of $109,991.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the Colorado Department of Human Services' Colorado Prevention Partners in the not to exceed amount of $109,991.
In favor: Martin – aye McCown – aye Houpt - absent

- **CONSIDERATION AND APPROVAL – OUT OF STATE TRAVEL REQUEST – BLYTHE CHAPMAN AND STEVE AURAND**

Travel requests were submitted to finalize an adoptive placement in New Jersey in the not to exceed amount of $750.00 for Blythe Chapman and for Steve Aurand to attend the National Conference for Victim's Compensation Board Members from 9-17-06 though 89-20-06 with the cost paid for through the District Attorney's office, Victim Assistance funding.
A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the out of state travel for Blythe Chapman and Steve Aurand.
In favor: Martin – aye McCown – aye Houpt – absent

COLORADO PREVENTION PARTNERS PRESENTATIVES

Shelly Evans – Colorado Prevention Partners – grant out of the ADAH given to Garfield County, lead agent, Lynn Renick. Dr. Mark McCabe, Dean of Students from CMC.
Power Point – on a CD. They presented findings and issues that have been looked at during the first year of the community substance abuse prevention grant, as well as discuss the scope of the second year contract that begins 9-30-06 including formation of the Policy.

Abuse use by adults – a certain percentage by adults as well as drugs that impact our lives.

500 contacts with juveniles – law enforcement in one particular community – this was told to Shelley Evans and put an extreme burden on the law enforcement staff. These were not criminal acts.
Hospitals in our area are not consistently reporting substance abuse at time of diagnosis. The ones who did report were between Roaring Fork Aspen to Glenwood Springs.

Dr. McCabe – moved here from Arizona and after 3 months realized a major problem of drinking. Some problems that required incarceration – binge drinking and some 4 – 5 pints per week. Program – they were dated and not addressing the problem. Students expect to drink and smoke when they come to college. Survey – comparison with Colorado alcohol use by 18 – 21 they are binge drinking and 30% are engaged on a monthly basis. There have been incidents of alcohol poison at CSU and CU. BACUS – a national alcohol abuse program has been brought in and started looking at partnerships. CMC can provide assistance K-12 because they are in the community. We know students will drink, but it's not normal to get drunk every weekend. Changing perceptions about drinking and smoking. Very addictive behaviors. Alcohol abuse by peers is rampant and requires training to prevent this from happening.

Policy Prevention Board – they ask questions and the list of those who have accepted and requested one of the Board members to participate.

- **PRESENTATION – YOUTH ISSUES PRELIMINARY REPORT BY DR. JERRY EVANS, DEBBIE WILDE AND RUSS CRISWELL**

Dr. Jerry Evans, Lynn Renick, and Russ Criswell gave a brief presentation regarding the summary results of the initial phase of the community survey to key stakeholders that has been completed to explore the needs of youth and families in Garfield County. They outlined the recommendations for the next phase of this information gathering component of the project for Board consideration.
Youth Issues Assessment for Garfield County.

The first phase of this was the needs assessment for strategic planning that will improve the quality of life for youth in Garfield County. The second and third assessment phases will involve parents and other adults and then youth.

The strategic plan will a) identify the most significant unmet needs that are affecting the quality of life for youth, b) identify actions at both the county and community levels for reducing these needs, c) make recommendations for methods to raise resources to support action, and d) ways to measure the return on new action taken.

141 persons responded from six communities serving children from birth to adolescence. The most frequently mentioned unmet youth needs were:

1) Youth Unsupervised After School, Evenings and Weekends – Children and Youth have too much unsupervised free time. Teenagers not involved in positive activities after school and evenings.
2) School Under Achievement – Children underachieving in school, not challenged, not motivated to learn, or needing one-on-one learning support.
3) Lack of Parental Support – Lack of sufficient, quality parental support and guidance at home, single families and two-parent working families, parents not prepared to support children in school.
4) Insufficient Adult Guidance for Older Youth – Teenagers lack ability and guidance to solve problems, develop social skills, and plan for their future
5) Limited Preschool and Child Care – Insufficient, affordable infant/child care, lack of playground facilities for children under 6, lack of qualified child care workers, children with no early childhood education.
6) Prevalent Substance Abuse – Programs needed for prevention and treatment, reducing the availability of alcohol and drugs.

Some of the Programs Recommended for Expansion/Increased Support includes:

1) Community Programs – Expand community programs like job shadowing and internships, Scouting, expand Girls and Boys Clubs, outdoor education classes, tuition assistance and scholarships.
2) Public School Programs – Expand programs commonly sponsored by public schools – counselor programs, full time kindergarten, scholarships for preschool, improve truancy prevention programs, anti-bullying programs.
3) Substance Abuse – Substance abuse prevention and treatment programs, stop sale of illegal drugs
4) Parenting Education – Parenting education classes and mentoring programs to strengthen families
5) After School Programs – tutoring programs, broaden the scope of 4-H classes
6) Teen Advocacy – Develop a teen advocacy and leadership club that creates ways for teens to get involved in the community, programs that support and recognize teen involvement in the community, expand youth summits, community service opportunities.

Conclusions and Recommendations:

- The needs assessment process is working at modest cost and with relatively little disruption in the busy lives of professionals.
- Complete the needs assessment process so that parents and other adults can give their views of the judgments of professional stakeholders and youth can speak to how they think action should be implemented to best match their preferences.
- Write a strategic plan that a) identifies agreed-upon needs and recommended action priorities, b) provides a strategy for financial support and c) contains a method by which the BOCC and others can determine if the unmet needs are declining for youth in Garfield County.
- During 2007, begin implementing the plan at County and municipal levels and in community organizations.

Next Step is to tell parents and neighbors as to what the results were and asked people who don't have children to tell us where the needs are and if money does come in where it fits in. Question – where's the best place to put our resources.

Russ Criswell – in Carbondale we have people asking what we can do with the schools. Mostly they're asking what they can do with the kids. Specific questions and answers and fine-tuning what we are doing. After school, recreational programs and has some serious answers now as to what needs to be done. In the next phase, wants to get some Latino community influence in this survey. Perception of where they want to go. Green map for Carbondale and Basalt. Next step is to find parents to fill out a survey with the ideas and what are your priorities.

Lynn – the objective came out in Strategic Planning for 2005 and the next phase is going to the parents and the outside community to find out the unmet needs and with the school starting, putting out a second survey and do an online survey. Tanf transfer dollars is a possibility.

Chairman Martin – we've excluded the youth in our leadership programs.

Lynn – in January do another survey.

Jesse – look at outside organizations, i.e. Tiger Youth Association – golf.

Commissioner McCown – mentoring of older high school kids to go into the middle schools to assist with peer pressure because during those middle school and kids are basically cruel. Not addressing the parental responsibilities.

Russ Criswell favored this suggestion.

Commissioner McCown – a link leader program or programs already set up to bring new schools into the school and show them around. Help with problems, etc. That structure is already there and maybe it's something we could expand on to get these mentors down to the younger age group. The one thing we are talking around and not necessarily directly address is parental responsible – we're out here trying to do to help the kids but we're doing it by going around the parents because they're not involved by

choice by happenstance or whatever, but that's where the responsibility truly lies is with the parenting and maybe that is the program we need to get our arms around too.

Ed – that was also referenced in the study.

Chairman Martin – and the skills that they have – again another generation did or did not leave them and so at that point you're overcoming two maybe three generations.

Ed – it seems to beg also for a rally in each in each community where you can deliver services and attract the kids.

Lynn – each community has a little bit of a shift on the problem and I think partially because of the computer activity in Garfield County I'm guessing that there's some interplay with the length of time that people have gone to work in some of the communities.

Commissioner McCown – and not to say that their plate is already full and overflowing but in reality the one entity that spends more time with their children than the parents do is the schools. That would be the logic focal point because they have them 8 hours a day, 9 months out of the year anyway.

Jesse – when he did the focus groups and there was no question in 2005 in 5 of the communities, youth was the number one issue that they identified but they also said this is not a county problem, it's a municipality problem. Did that come out of your survey?

Dr. Evans – actually cities and counties have a different perspective on it and I like that idea of rallying point for those who are interested – golfers, fire fighters, teachers, and bring that energy and resources – that's 10 times more powerful than a dollar spent hiring someone to do something on their own. Jerry Evans thanked the Commissioners for the feedback.

PUBLIC HEARINGS:

TODD PETERS AS A "NON-COMMERCIAL HANGAR OPERATOR" FOR THE HANGAR SPACE KNOWN AS "OBERHOLTZER T- HANGARS – JOHN W. SAVAGE

Carolyn stated that the newspaper did not print Mr. Savage's notification and secondarily the identity of the applicant has changed so we will revisit the entire matter in September.

ABATEMENT – CITY OF RIFLE

Assessor Shannon Hurst presented.

Chairman Martin swore in the speakers.

The applicant was notified and it was considered part of the record.

In 2005 this was a condemnation and found out the City failed to record the document. September 1, 2005 an order for immediate possession by the District Court of Garfield County was recorded on July 24, 2006 in the records of the Clerk & Recorder. The immediate possession occurred on September 1, 2005. Therefore a portion of the 2005 taxes needs to be abated in the sum of $1,607.89.

A motion was made by Commissioner McCown and seconded by Chairman Martin, motion carried.

A motion was made by Commissioner McCown and seconded by Chairman Martin to approve the Abatement for the City of Rifle in the amount of $1,607.89, Schedule R210603.

In favor: Martin – aye McCown – aye Houpt - absent

Action taken from Executive Session

Contract Phyllis Lundy – Facilitator for the Gravel Pit Discussions-Waiver of insurance

– Phyllis is aware of the insurance requirements of our standard contracts, while she has a corporate entity, she is the sole member of the corporation and the corporation does not retain insurance other than automobile liability insurance. Effectively she is asking that we waive all of our insurance requirements other than the automobile insurance. The risk is minimal

Commissioner McCown made a motion to waive the insurance requirements. Chairman Martin seconded. Chairman Martin heard that he wasn't willing to participate in this type of a discussion, I have to refute that because I have been very interested in that I hate to spend nearly $12,000 to do when we could call the appropriate authorities and sit down at no cost and do this and resolve the issues, but I will second the motion and call for the question.

In favor: McCown – aye Martin – aye Houpt - absent

Contractual Insurance issues – Don has discussed this previously concerning the Asset Valuation advisor contract to do the valuation on Golf Course, talking to Mr. Scott last week, the same time he was presenting his request to the Board to waive the insurance limits regarding professional liability and comprehensive liability, he was sending me a letter that they also did not maintain workers compensation or unemployment insurance because they operate as sole proprieties even they have a company name, not a corporate name. At Don's request he made some inquiry at Pinnacle Insurance and found that he can obtain workman's compensation coverage for $500. This was not included in his original proposal and the Board's position is to either not to authorize the contract, to authorize the contract with an additional $500 or to waive the requirement for worker's compensation insurance.

A motion was made by Commissioner McCown to waive that workers compensation requirement. Chairman Martin seconded the motion and noted there is minimal risk.

In favor: Martin – aye McCown – aye Houpt - absent

Request forwarded by Town of New Castle Treasurer's deed

Don informed the Board that this was to transfer certain properties to the Town of New Castle that the county has held for many years through Treasurer's deeds. Don asked the Treasurer's office to do some research to confirm the status of ownership and has confirmed that for all the properties requested we hold title through Treasurer's deed that were issued between 1900 and 1950 and have held them continuously since those dates and no evidence of a recent offer for sale on these lots. Don asked who do you want to go out and look at the properties and come back with a report as to whether or not you wish to do nothing, transfer them to New Castle as requested or request that the Treasurer to re-offer them for sale. On a Treasurer's deed, all you have authority to use them for is public purposes holds in a fiduciary capacity for

the other taxing entities. Some of these taxing entities that benefit have long since become defunct from more than 100 years ago.
In the past when these things have been discussed, you have used the Planning Department. In Glenwood Springs they were Hillside Preservation lots.
Don stated some of these now under discussion are in large blocks and one has 6 contiguous lots so they may have some commercial value but not sure.
Commissioner McCown recommended the planning department look at these lots and give us a report.
Chairman Martin – would also like a report but there is no great rush.

Ex Session – Brief discussion – personnel issues in CA's office and Immigration
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.

ADJOURNMENT

Attest: Chairman of the Board

_____ _____

SEPTEMBER 5, 2006
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 5, 2006 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
Precincts – Mildred requested that the Commissioners approve the combining of Precincts for the General Election – she combined – Glenwood will have 3 Polling Places –
McCown – 10 polling places as shown by the County Clerk - - Houpt – seconded – carried.
COUNTY MANAGER UPDATE – ED GREEN

- ***RETAC Update – Report for NorthWest RETAC – Carl Smith***

Carl Smith with Carbondale Fire Department, Nancy Smith Board appointed officer and Danny Barela, NW RETAC Coordinator provided a Power Point on the RETAC past, accomplishments and goals.
Carl and Danny presented a Power Point to illustrate the program and explain the program.
1995 Legislature created the EMTAC due to some issues where patients were transferred from rural hospitals to downtown hospitals in Denver and some mistakes were made. This was under SB 95-076.
The RETAC meets every other month and Dale Hancock is the County representation.
Funding is provided by statute and all RETAC's receive $75,000 and $15,000 per County in the RETAC.
Volunteers are more difficult to find but they are working on recruitment.
Current activities include putting together a NWRETAC Webpage to assist in recruitment and training.
From efforts of the council and Danny, they have generated funds from grants to go into the program.
For Garfield County the RETAC has improved inter-facility cooperation, County plan development and funding, planning and facilitation for Westcare Ambulance Merger,
Disaster supplies including placement and stocking of SURGET trailers, and Recruitment retention workshops and grants and regular communication and representation about statewide issues and policies.
Future Goals – continue to look at EMS funding, pursuit of non-profit status to access more grants, repeat leadership conferences on an annual basis and additional EMS education seminars and inter facility destination policies and review and reprioritize Biennial Plan.

- ***Engineering – Direction to staff in relation to the Story Property Drainage Improvements***

Andrew Swaller of Building and Planning, County Engineer Randy Withee, Jim Neu of Leavenworth & Karp, and Mr. & Mrs. Story were present.
Andy provided the Board that the Rivera family has obtained an attorney and is involved with this as well. So at one point there was going to be a trip out to the site by all the Commissioners and not sure where that is at the present time. Engineering wants direction on how to go forward.
Randy said Jeff is on vacation and he didn't have all the information on the project.
Andy said it has been completed but still waiting for Carter Page to do his as built designs, stamp his approval on it that certified it matches his requirements, those haven't been turned in yet. As for Carter, essentially all the paperwork is on his desk and he just needs to compile it together to do a final report.
Chairman Martin – the Commissioners still need to get up there and we were waiting on Jeff's report to see if it was completed so we wouldn't interfere with that certification and change Carter's things, so we didn't get sideways with the attorney's. As an individual John said he will be coming up to take a look at it but as the Board as a whole, he wasn't sure we could go up there and have a meeting without Mildred.
Don DeFord – The Chair will recall that we received a letter to go forward with a site visit and Jeff brought that to him for direction and talked to John and John wanted that brought to the Board for full board

direction on how to accomplish a site visit on the Story property. It was really directed to the engineering staff and to the inspection staff to go out and visit with the property owners and affected parties. That's what we are here today for is to see in regard to that request, what the board's view is if you have any problem with the engineering staff and the code enforcement staff visiting the site with the affected parties to see what the situation is and if additional alterations need to be made.

Commisisoner Houpt – the last time this came in front of us we represented as a Board that we would go out and visit the site and I think that may have been what triggered this.

Ed O'Shaughnessy on behalf of the Rogers. My letter was sent just to follow up on the last commissioner's meeting to have the site visit, have some action taken prior to wintertime. We felt any mediation should be done sooner as opposed to later.

Don DeFord - The request was really for the staff to go to the site and that's not a problem, if the Board intends to go as a whole, then we're going to have to arrange for a site visit by the Board which we can do.

Chairman Martin thinks everyone should see the site as you can't really visualize it sitting here in this room.

Don – if the Board wants to go arrange a date and go and see the site, the best way is simple for the Board to arrange a date that's convenient for all of you and go. This is not a matter of a public hearing so we're talking about some of the evidentiary problems or due process so you could go individually, but if you do go together you can have the input from each other and the concerns are all observed. The Board suggested they all go together. Rogers and Riveras and Story's should be present as well as Marvin and County Engineering,

A date was set for Wednesday, September 27. A determination was made to meet on this date at 10:00 a.m. Mildred will need to be present as well.

Jim Neu – the remediation has been done and plans are ready to submit to the County.

Carter -

Larry gone on the 17th.

- ***Public Health – Tobacco Education & Prevention Program Contract with CDPHE – Mary Meisner***

Ed presented the contract was presented in the amount of $89,114.00.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Tobacco Education & Prevention Program contract with CDPHE in the amount of $89,114.00.

In favor: Houpt – aye Martin – aye McCown - aye

- ***Trails – GoCo Grant Amendment for $29,000 additional funding***

Randy Russell submitted the amendment for the grant agreement for the Colorado River Trail, South Canyon, GoCo log #05856. The grant is in an amount not to exceed $1,253,175 from GoCo's Local Government purpose, with an additional $29,000 from the Colorado State Trails program from GoCo's Local Government Purpose funds, for a total project cost of $1,282,175. The disbursement will be $100,000 during the period from July through December of 2006; $651,905 during the period from January through June of 2007; $501,270 during the period from July through December 2007 and $29,000 during the period from January through June of 2007.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the GoCo grant creating an additional $29,000 towards the project.

In favor: Houpt – aye Martin – aye McCown - aye

- ***Airport – Resolution regarding consent to assignment of lease, Oberholtzer T-Hangars, Garfield County Regional Airport with updated lease boundary exhibit dated September 6, 2005 – Brian Condie***
- ***Airport – Lease Agreement and Amendment and Extension – consideration and approval – BOCC and Oberholtzer Family Trust, with amendment to legal description to show public rights-of-ways – Brain Condie***

Brian Condie and Carolyn Dahlgren were present.

The Resolution was submitted and Carolyn Dahlgren explained. The legal description for Rando Construction lease parcel and the Lease Boundary Exhibits were also submitted

Brian stated that the Oberholtzer's repaired the concrete back to industry standards. The new survey was completed and basically took the square footage of the T-Hangar from 3700 down to 2600 and that's the first part on the agenda.

Carolyn – actually that's the second thing – the first thing is the Resolution whereby you blessed the assignment of the lease to Ms. Oberholtzer and another co-trustee and the Board did that back in October 2005 and we're finally giving you the formal Resolution to sign. John is already authorized to sign that. That one has the old legal description. Then the new legal description that Brian's talking about shows up in the lease agreement amendment and extension and that's where the trust and representatives and Brian negotiated in the lease size.

Commissioner McCown – no action is needed on the Resolution.

Carolyn – the next one to authorize John to sign the lease agreement amendment and extension, the actual exhibits,

The request is to authorize John to sign the lease agreement amendment and extension.

Commissioner McCown so moved; Commissioner Houpt seconded.

In favor: Houpt – aye Martin – aye McCown - aye

- ***Airport – Authorize Chairman to sign a Resolution updating and restating Rules and Regulations and Minimum Standards for Aeronautical Activity at the Garfield County Regional Airport – Brain Condie***

Carolyn Dahlgren submitted the Resolution concerned with amending and restating of the Garfield County Regional Airport Rules and Regulations and Garfield County Regional Airport Minimum

Standards for aeronautical Activities, 2003 – 2006. This incorporates all the amendments since the original document was approved in 2003.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution updating and restating Rules and Regulations and Minimum Standards for Aeronautical Activity at the Garfield County Regional Airport and the chair authorized to sign.

In favor: Houpt – aye Martin – aye McCown - aye

- ***Building and Planning – consideration of contract insurance requirements associated with building permit reviews for professional services agreements – Andy Schwaller***

Andy Schwaller and Mark Bean submitted a memo to the board explaining that this contract type for plan reviews and insurance requirements will allow for a more expedient way to get a local contractor to help with plan reviews. The other option of contract type would be the Purchase of Professional Services agreement. This contract type has a higher cap for services rendered, but would take up to two months to post the Request for Proposals and to award the contract.

This contract actually amends and restates from 2003 forward. This person should be a part-time permanent employee. Art Hoagland is a trusted individual that the County trusts. He doesn't want to obtain the insurance, he works outside his home and will not be using his vehicle on the time – workman's comp is important – she explained the risk to the County

Mark – this will get us through the end of the year on an informal agreement and under $10,000. Next year it will go out to bid. The insurance question will fall into the proposals for next year.

Don – the underlying issue has been addressed on a number of occasions – workman's comp is a slightly higher risk and the question is if the Board wants to go on this type of contract.

Commissioner McCown – this is to get through a temporary contract and assist with the backlog.

Don – building code requires that a county official approves the building permit. The risk we can't avoid. The liability is the county's – we shift that responsibility to the contractor's insurance. He is really performing tasks as a county employee.

Commissioner Houpt – a problem understanding why we would wiave insurance requirements on private contractors.

Ed – they are acting as our agent.

Carolyn – we want the contractor to carry the liability of insurance.

Mark stated for the immediacy need the temporary contract will work best for his department. This will get us through the end of 2006 and the process between now and the end of the year. Commissioner McCown -the goal was to see if this was an unusual peak so we wouldn't have to hire another full time employee.

Mark said the temporary personnel would help them at this juncture.

Carolyn stated we would be looking for a motion to approve the temporary contract with Mr. Hoagland that would include that the Board has o say about the insurance requirements.

Mark – Ed can actually sign a temporary contract if we keep it below $10,000.

Carolyn – but the Commissioners have to wiave the insurance requirements.

Commissioner McCown so moved; Commissioner Houpt seconded.

Chairman Martin clarified this was for a temporary keeping within the standards that he already has in the automobile insurance and no workman's comp.

In favor: Martin – aye McCown – aye Houpt – no vote.

- ***Human Services – consideration and approval of Chafee Independent Living Plan Application – Lynn Renick***

Jesse presented in the absence of Lynn Renick and asked the Board to sign the application for this grant.

Commisisoner Houpt so moved. Commisisoner McCown seconded.

In favor: Houpt – aye Martin – aye McCown - aye

Severance Tax on Minerals –

Ed stated that the County received information regarding the severance and mineral lease distribution and its good news for us. We originally budgeted $120,000 in 2006 for severance and ended up with slightly over $2.4 million. Thanks to Larry and the rest of that committee that did an excellent job about realigning about how payments were made. Similarly Federal Mineral Lease we budgeted $250,000 and ended up with $930,000. We have a very pleasant dilemma. What do we want to do with the extra money?

Chairman Martin – it's not a dilemma at all, I say that we make sure that we put that away.

Commissioner Houpt heard a plea for housing and roads out there.

Ed – suggested that for the moment that we apply all the mineral lease to the general fund, the $930,000 and that would give us another roughly $700,000 in the general fund and that we move the residual, roughly the $2.3 million of severance over into the capital fund.

Chairman Martin – well we also need to go ahead and prepare for the future, which is our energy mitigation fund continuation and we need to put that aside for the future just in case we need to slow the bust.

Commissioner Houpt – and we're doing very well with that too.

Ed – one thing that we've all talked about is in 2009 we have an opportunity to pay off some of our COPS debt, $2.1 million dollars and so I think this year with either this or with the additional moneys we get from property tax we probably ought to set aside a fund just for that payoff And John, you're right, we also need to start thinking about a mitigation fund but I think we can do that out of property tax.

Chairman Martin – well we can but we need to get it started in this budget cycle and our indebtedness needs to be paid off – very much in favor of the

Commissioner McCown – I just don't want us to get into a situation like the federal government has where you create and the state government a severance tax where we create a fund and earmark it for something and then that fund continues to grow and we can't keep our fingers out of it – I think we need to be very diligent in the fact that if we create a fund for a rainy day fund or to pay down the debt on the COPS we have that that's where it stays. Once we commit to it. I would be adamant about that once it's created.

Ed – absolutely. And we'll incorporate that into our budget plan.

Chairman Martin – there's two ways to do that and it's very restrictive and not quite as restrictive based on emergency needs, etc. So that can be done within the fund itself, the general fund, just earmarking it and putting it aside, identifying it and reserving it or you go ahead and just give guidelines for that amount.
Ed – you can set up a separate fund/
Chairman Maritn – exactly
Commissioner Houpt – we certainly have capital needs that continue to grow and another concern that I have is that we don't spend money today that we won't be able to afford to maintain later, so as we establish new infrastructure we need to keep that in mind as well.
Commissioner McCown – Ed neglected to mention it simply because he was dealing with the County side of it, but every town in Garfield County as well received funds from both the severance tax and Federal mineral leasing. Some that had not received a very significant amount in the past noticed some increase this year.
Ed said the Town of Parachute received $588,000 in mineral severance and $212,000 in mineral lease and they had virtually nothing in prior years. Rifle received $575,000 in severance and $194,000 in mineral lease – those are the significant ones.
Commissioner McCown – Glenwood and Carbondale did get some this year as well as Silt and New Castle. The Glenwood mayor said that they never received any last year – they received $41,800 in severance and a little less than $15,000 in mineral lease.
Ed said if you don't have any objection, that's where I plan on putting the funds.
Don – one real quick comment following up on Larry's comments, for the time being at least until there are more certain directions in regard to these funds, you might want to be careful about placing those in the capital expenditure fund because once they're there they can not be used for any other purpose.
Ed – yeah, I recognize that, I think we have enough flexibility in the property tax that we can cover it; this will basically cover like about $.5 million the cost of our new court facility in rifle.
Chairman Martin- and we also have our 5-year plan that we need to build up our capital as well.
Ed – correct.
Don – okay.
Ed – one obvious one that we still have to address and maybe Lou will talk to you about is the ***Animal Shelter.***
Commissioner Houpt added that we also need to discuss the Child Advocacy Center.

Ed – the Child Advocacy Center is something I need to talk to the Board about in Executive Session to get legal direction regarding where we go from here.

COUNTY SHERIFF UPDATE: LOU VALLARIO

Apple Fire

Lou Vallario – the Apple Fire is contained and has been given back to local control. The fire fighter who showed up initially with the equipment they had did a phenomena jog with structure protector, we lost one home but when you look at where the fire was, staggered all through the house, it's amazing we didn't lose more. Gave kudos to the fire fighters.
Jesse – the oil companies came through with water trucks as well. They also provided two dozers.
A heavy tanker came from Jefferson County as well.

- ***Records Management System at Dispatch Center***

Lou gave an update on the project they've been working on. For the last year or more all who have records management system are different and we've been working on a one system. They set out to get all police, fire, ambulance and law enforcement agencies have one system operating from Dispatch as a hub and share records, pass records, and look at files on people. The whole project is a little over $1.5 million and the Com Board had about $500,000 that was put into it as a match and obtained an Energy Impact Grant for $800,000 and went to the oil and gas companies and they came through and we are close to the figure. New World Systems provides our financial package and we were able to do this without really impacting all our individual budgets. The kick of is set for September and anticipating at least 6 months to get in operation, trained and up and running.

- ***Interoperable Communications***

Lou said they are moving forward with the interoperable communication which means being able to talk to each other on radio and decided at the northwest regional level, Homeland Security region, that we want to move to the 800 DTR digital trunking system. This has been since 1996. Interoperable doesn't necessarily mean everybody has to be on 800, but we can mostly talk to each other. The biggest problem was communication and what channels we are talking on and who's talking to whom. We have through grants from DOLA put up 3 additional towers in the County to serve the backbone of that system in the County, there was one in Glenwood already on Sunlight, Lookout and two more in the west end of the County, so the infrastructure will be completed shortly. Dispatch Center through Homeland Security funds have been built up so that the consoles, and consulates and the capability to talk on 800 and the only piece that was missing was getting the radios out to the hands of the guys on the street, cars and pack sets. Through homeland security funds, Garfield County law enforcement was able to get enough funds to provide mobile radios and handheld radios to every officer in the Garfield County. We still have fire services, ambulance, eventually public works and everyone else that operate off of radio systems but originally we set out to see how many towns in the Northwest region we could do this with and realized some weren't ready infrastructure wise or topography issues with 800 as well. Garfield was ready so the Homeland Security funds went to Garfield County law enforcement.
Commissioner McCown – there was some discussion that someone is going for a grant on behalf of the Fireside as well, not through Homeland Security but through a fire safety grant source.
Barb Kirkmeyer was acting director of DOLA and stepped down and went back to her regular job at DOLA and she manages those energy impact funds and also suggested to tap those sources as well. The idea is to get all emergency responders on the 800 DTR so we can have seamless communication.

Animal Shelter

Lou met with Randy Whitee and the architect and they have a meeting on the 18th to give them the redesign plans we've worked on based on the needs assessment to get it more reasonable into a budget that's doable and once we get that online, get with out architect to give us something we can work

Chairman Martin – the Business plan and how to approach it, either housing, full care, or….

Lou – the first piece is the housing because we still have CARE and Friends of the Rifle Animal Shelter that will help us on the adoptive side. One of the concerns is the ability to add onto to it at some point, so the main concern is public safety and health.

Lou hasn't had recent meetings with the City of Rifle but they are obvious willing to look at the UPTRA site as a location and brought in both the water and power. The sewer is the issue at that site.

Ed said John Hier's preference would be to have the facility there but we need to work at getting all the appropriate utilities in a cost effective manner. Otherwise, we have property at the Airport. In talking with Nancy Jacobson and the biggest reason she would prefer to have it at the UMPTRA site is because it's more accessible for the volunteers that would participate.

Lou – we're catching animals all over the County so whether we turn to Rifle or go to the Airport it doesn't matter.

Chairman Martin – coordinate with New Castle, Silt and Parachute, so the airport site would be better.

- ***IGA for provision of funding and administrative services in connection with development of an affordable housing project – Keator Grove***

Geneva Powell and Don DeFord were present.

The IGA was submitted and Don explained that within 30 days of the executive of this Agreement and not later than December 31, 2006, the Board shall render a payment to the Authority in the amount of $80,000.00 which shall be utilized by the authority pursuant to the conditions and restrictions of this Agreement in order to reduce the price of eight (8) individual units within the Keator Grove Affordable Housing Project. Final authority for the Chair to sign this document.

Chairman Martin – clarified the public perception, these funds go to the Housing Authority for proper distribution.

Don – that's an important distinction and they are required to return the funds to us if they can't deliver the housing. Same with the Glenwood Meadows.

Geneva – concern – at what point do you want the money released – units will be pre-sold and she thought it was for buy-down. Her understanding is that the money is to help that Garfield County employer or employee to purchase that unit at a discount and those units would be added to our pool of units like we have and managed that way. So the developers may like to see the money at a different point and time than we would be comfortable releasing it.

Chairman Martin – I don't think it needs to just go to the project itself to get it off the ground, etc, I think the person who is buying it need to qualify, go through the review, held in check until that project is complete and the CO is issued.

Geneva – so we could go ahead and pre-sale the unit at any point in the development and then with that person that was pre-qualified to buy that, that there would be a $10,000 buy down before they occupy it.

Not distributed until the CO is issued.

This way we can make sure the project is completed.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to sign the final draft of the agreement.

Commisisoner McCown so moved. Commisisoner Houpt seconded.

Commissioner Houpt – one clarification – Garfield County employee, is that an employee living in Garfield County or Garfield County employee.

Geneva – one that is working within the County.

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

Glenwood Meadows Project

Don provided the Board information on the Glenwood Meadows Project and said you will not see a contract until we have more certainty on the level of funding. The Board has authorized an amount that can be dedicated tot hat project but our understanding is that the County's contribution needs to be commensurate with the Glenwood Springs contribution and they haven't fixed an amount of participating in that. Once the do that then we'll come back to the Board.

- ***Discussion of Bear Ordinance***

Jan Shute and Don DeFord were present.

Jan explained that at the end of June a requested a change to our website on trash containers was made and the County looked to see if we could have an Ordinance requiring a trash ordinance. Eagle County was working on their ordinance and a copy was submitted. They are suing the general police powers of the County and our position is that Garfield County can't go there – no enforcement of trash ordinances and she recommended that we follow the manner that Boulder County has done which is to follow recommendations on their website but no criminal penalties.

Commissioner Houpt – unless we adopt an ordinance more generalized.

Don – that is essentially correct, previously some time ago, we came to the Board with a proposal for a board base weed, trash, rubbish, ordinance that included control of junk yards and other areas in general disrepair. The Board declined to move forward with that and we haven't come back to you since. If we adopted such a board base ordinance we could include in that the type of provisions they're looking at for trash containers. The Board has not given any type of indication recently that you wanted to get into this area because it does requires extensive enforcement.

Commissioner Houpt – there are several people living in our County that would like us to move in that direction and thought we had some discussion about a draft in the new Code that could be taken into consideration but it doesn't sound as if we went in that direction.
Don - the Land Use Code is a separate authority and this Rubbish, Trash Ordinance. There is authority for the County to do it but it's separate and actually requires enactment of an ordinance and so it will not appear in the Land Use Code which is adopted by Resolution and Statute. But you can get into it if you want to get into it and then you could include something that would address the issues and bears.
Chairman Martin – not what I saw coming out of Mesa County, Mesa had that very same issue and it is very volatile and polarized everyone and it got no where.
Commissioner Mccown – and just what Don alluded to, rubbish, trash, garbage – the definition on an enforceable ordinance is almost impossible to write because back to the old scenario, one person's trash is another person treasures. We will inevitably get into that when you start writing definitions.
Commissioner Houpt – when you are infringing on someone's rights, that's ….
Commissioner McCown – then agricultural is going to be exempt or non-exempt from this ordinance and what people look out and see around some of these ranches that they would like to see cleaned up won't happen.
Don – Carolyn had the experience of coming up with such a draft.
Carolyn – Jim Leuthueser and Carolyn Dahlgren have the information on disk if and when you should ever decide it is a complicated enforcement mechanism and fee collection mechanism.
Commissioner Houpt – it's a very important issue as we continue to grow in this County and it would be frankly irresponsible of us not to look into that in the future. She gave an example of a current email regarding this very thing.
Commissioner McCown – we got into the towable car argument and no one will tow them because they don't have titles to them and the people who have them on their property don't have titles and can't dispose of them if they want to because the salvage yard won't take them.
Chairman Martin – it's urbanization of a rural county is what it amounts to.
Commissioner McCown- back to the initial issue, I would support council's advice of the bear ordinance.
Chairman Martin – agreed that we go ahead and put that on the website and give the options and put the responsibility on the individual to take action for their own protection and environment and not have the government regulate everything.
Commissioner Houpt – some time we will look into the bigger issue of the rubbish which is infringing on neighbors.
This morning there was a Bear was killed on the Interstate – New Castle to Canyon Creek area.

COUNTY ATTORNEY UPDATE – DON DEFORD
Executive Session: Litigation Update; Legal Advice Ex session – Tabor Constitution and County initiative powers, library district, direction on property acquisition and contracting for a project at the intersection of 317 and 320, child advocacy center, and property sales in the Town of New Castle. Carolyn has a contract dispute at the airport involves two contracts that contract between the BOCC and our Airport Engineer and the contract between the BOCC and an asphalt layer and Brian Condie, County Surveyor Scott Aibner and Randy Withee were asked to be in attendance of the session that pertains to their departments.
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:

COMMISSIONER REPORT
Commissioner Houpt –it has been a very sad month for my family as I lost both my sister and a brother-in-law who was married to my other sister and thanked John and Larry and the County staff for covering me while I was gone for a while, but I'm back and thanked everyone for their calls and cards.

Commissioner McCown – last Monday we had the meeting with the elected officials of the Councils and had a meeting regarding the gravel pits with the elected officials of Carbondale, New Castle, Silt and Rifle and set some other perimeters and a new date is tentative. Tuesday we had an elected officials meeting on Strategic Planning here; budget meeting Wednesday; Associated Governments working on their preliminary budget; Bob Compton's going away at party was Friday morning at 9:00 a.m. at the Fairgrounds; and Bill Clough 's funeral on Friday afternoon but was unable to attend. Thurs. Assoc Governments in Hayden; Oil Shale Task Force meeting for Club 20 in Meeker at the city hall; Friday – heading up to Craig for the weekend.
Chairman Martin – attended the 28th scoping meeting on the gravel pit and its information basically what we did was find out that a lot of the communities weren't educated on everything that takes place, we exchanged a lot of information and a little homework as well as setting up another meeting and tasks and we'll follow up and give you all the information we have on that one. Also met with CDOT on the 31st to discuss the South Bridge and the situation with the South Bridge. It's a tough uphill battle; there's an IGA between the City of Glenwood Springs and Garfield County that has to be finalize. CDOTs will enter into an agreement in 2.5 years – 2009 very large possibility – earmarked money goes away – no commitments – with Glenwood Springs to see if they can get everything done in the next 2.5 years because 2009 there's a very large possibility that since ITU goes away so does the earmark money go away and if they don't obligate those funds they will be lost.
Commissioner Houpt asked how CDOT wants to participate.
Chairman Martin – no commitments other than they will follow the format and do the fiscal distributions and be the go-between. The City of Glenwood Springs will have to appropriate after they spend the money. So there's a whole formula on how that works out. Garfield County is only obligated up to $200,000 on the

EIA and its 18 months long and no consultant – out to bid obligated if they can sign the contract between the City of Glenwood Springs up to $200,000 plus on the environmental impact. That's 18 months long and there's no consultant on board at all – that will be again taken out to bid by the first of the year. Then if everything works according to plans, they will have from September to November of 2009 to obligate the rest of their funds. If they can't do it within that period of time, put it on the shelf and wait for another funding source. Battement Mesa, Thursday, 10:30 a.m. the final on Roan Plateau land management will be unveiled to the public and take the comments at Battlement Mesa Activity Center 10:30 a.m. on September 7th.
Commissioner McCown – it's just the rolling out of the plan by BLM, the preferred alternative. Then there will be a comment period following of 90 days and then a record of decision.

CONSENT AGENDA
a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Oil and Gas – Authorize the Chairman to sign a Division Order for Williams Production
f. Building & Planning – Special Use Permit – Doris M. Hunt Family Trust – authorize the signature of the Chair – Fred Jarman
g. Building & Planning – Special Use Permit – Crescendo Energy, LLC. – authorize the signature of the Chair – Fred Jarman
h. Building & Planning – Reduction Certificate for security for a SIA – Sun Meadows – authorize the signature of the Chair – Mark Bean
i. Building & Planning – Acknowledgement of Partial Satisfaction – SIA – Ironbridge PUD – authorize the signature of the Chair – Mark Bean

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – i omitting b & c; carried.

REGULAR AGENDA
PUBLIC MEETINGS:
ROAD & BRIDGE – ROAD AND ENVIRONMENTAL IMPACT CR 346 – JOHN COLEMAN
Postponed.
ELECTION 2006 – DISCUSSION WITH KEN CALL REQUEST FOR ISSUE TO BE PLACED ON THE NOVEMBER BALLOT – MILDRED ALSDORF
Ken Call submitted a letter of request to place an issue on the November 2006 ballot and to appear before the County Commissioners for their approval to circulate the petition. He stated in the letter that he understands a total of 1310 valid signatures would be required to be presented to the Office of the County Clerk by September 26, 2006. The prelude to the ballot question is as follows:
"In 1995 Garfield County voters waived the spending restrictions of Article X of Section 20 of the Colorado Constitution. This Article is commonly referred to as the Taxpayers Bill of Rights, or 'The Tabor Amendment.'

Since such waiver, Garfield County property tax revenues have increased from $4.7 million to $26 million. (This is exclusive of sales tax revenues). In 2006 the budgeted increase in Garfield county expenditures over the previous year 2005 is more than six times the maximum that would be allowed if the restrictions of the Tabor wre in place.

Despite this tremendous economic growth, Garfield County property taxes continue to grow because the Mill Levy (Tax Rate) has not been lowered since Article X, Section 20, of the Colorado Constitution was waived in 1994."
Ballot Question as proposed:
SHALL THE RESTRICTIONS OF ARTICLE X SECTION 20 OF THE CONSTITUTION OF THE STATE OF COLORADO (TAXPAYERS BILL OF RIGHTS) BE REINSTATED IN GARFIELD COUNTY, COLORADO, IN ORDER TO RESTRAIN COUNTY EXPENDITURES WITHIN REASONABLE GROWTH LIMITS.
THIS ACTION SHALL APPLY TO ALL CLASSIFICATIONS OF PROPERTY EFFECTIVE JANUARY 1, 2007, AND ALL SUBSEQUENT YEAR. ___ YES ___ NO
Discussion:
Ken referred to the facts as listed in the RE-2 facts about the ballot question in today's paper and rested his case. As the assessed valuation increases in the district, the tax rate decreases, but this has not happened with the county tax rate in the last 10 years. Voters waived Garfield County from Tabor taxing limits in 1994 and I am here to request permission to circulate a petition to reinstate the Tax Payers Bill of Right only as it applies to property taxes.
Ken reiterated the excessive tax rates, the County not lowered the tax rates since 1994, and the 2005 property taxes, fund balance in capital improvements and the school district's needs. He compared Garfield County to Eagle County where the Tabor is in effect and how they are doing very well. If these petitions are allowed to go forward and makes the ballot it would serve the taxpayers as a sunset clause. It will be difficult enough to get the required number of petition signatures by September 26th but a delay in the decision would make it impossible. He asked for the Commissioners decision in allowing this petition to go forward at the conclusion of this hearing.
Chairman Martin – we had a discussion on what the statutory provision is on Garfield County and how we can go ahead with these recognizing petitions, etc. Mr. DeFord will explain.
Don provided the Baord with a legal perspective and emphasized this is not a substantive comment at this point but Colorado does not recognize an initiative process which is really what Ken is talking about, he's asking for the form of a petition that would then receive signatures which would then assuming enough

signatures would be obtained would result in placing this issue on the ballot – that's an initiative process. For counties, there is no constitutional initiative process. With that said, the County Commissioners under Tabor to place before the voters in fact the obligation to place before the voters any question that results in a change in tax policy that you with to undertake. So if the Commissioners wish to undertake the substantively the proposal that Mr. Call has made, you could place it directly on the ballot yourselves but it is not something that is the subject of an initiative process. There are processes for which there is an initiative for counties when the State Legislature has given you that power, this is not one of those.
Commissioner Houpt – Mr. .Call has raised some very important issues that we need to take a very close look at, I'm not willing to place something on the ballot at such a late notice without having done my homework on this. She requested a copy of what Ken read. Ken has raised some interesting points, I think Tabor has been a problem in this State and we should always be held as public servants for the way we handle our budget and maybe we need to have a process that brings more people in when we have public hearings, they are not always easy to attend but a way to communicate better on what types of expenses we have as a growing county and really analysis whether we're approaching our budget in a responsible manner.
Chairman Martin – I have to say that in the national survey of all counties Garfield County rates number 38 in the nation on how it's run and that was through a periodical not from the counties but from an overall review of the entire nation. We're doing quite well. At 13.65 mills is what you're looking at, we have not changed that in 10 years because I didn't advocate increasing any kind of mill levy. The distribution of that of course is held every year; the priorities are put in place based upon strategic plan, our selection of priorities and what we see in the future as planning. And we have to prepare for infrastructure, we're very limited under Tabor and we were strapped and you lived underneath that and that's why the voters went ahead and changed that along with other provisions of Tabor. To go back under it may be good or bad but again I have not been a tremendous fan of Tabor all the way through because it has damaged the State of Colorado in reference to its expenditures, revenues and it has been good and bad. Under the school finance act that you're really referring to, it is different than Tabor because the school finance is not DeBruced either but they also have the structure of Senate Bill 1 monies, Amendment No. 23 and the Statutes that are there have really complicated and made things worst instead of getting better and I sympathize with the school finance act and how the money is distributed. I'm not in favor of going back under Tabor.
Commissioner McCown – I commend you on your research, I guess I'm a little concerned and would like to know what the $97,000 overrun that Eagle County held themselves to cost us in hard dollars in housing their workforce and educating their workforce, policing their workforce and providing social needs to their workforce. It's one thing to be very conservative and make your constituents feel good by giving money back, but if you're passing that burden onto a neighboring County, I don't feel real good about that. Both Eagle and Pitkin Counties, we have housed and cared for their workforce and addressed their social problems for any number of years and they can pat themselves on the back if they want to how well they've done under Tabor – is we had we would not have survived. No one votes to raise their taxes – listen – but they haven't done Garfield County any favors. And had we stayed under Tabor, we would not have survived, because we would have still provided for their workforce and there's probably not a person in this room that would step up to the plate and vote to raise their taxes. Historically that just doesn't happen. Mesa County is struggling daily, they just received a significant win fall from Severance and Federal Mineral leasing and they're not sure they're going to be able to keep it under the Tabor that was paid for by the energy, that's where the impacts are arriving in Mesa County, they may not get o keep it under TABOR. So on one hand Tabor does a lot of good things but in conjunction with other legislation Tabor has been very crippling in trying to keep up with the needs of the counties that have it – the demands that's placed on it by growth, other activities and crippled their ability to move forward. Eagle County has had tremendous increases in property value and one in Pitkin County sold for $6 million, last year they put two bedrooms on it and it sold for $9 million this year. I don't think we can expect that kind of increase in Garfield County and I don't want to see it, so that's how they can cut a mill levy if you If you're going to have a 60% cost raise in your real estate prices because of restrictive growth initiatives, you can shave your mill levies back because you're insuring that the value is going to go up.
Ken – thanked the Board for your time, and my only response when Tabor was voted in that there were many legislators said that there would be County's that would go bankrupt and no body's gone bankrupt.

AIRPORT – RELEASE TO CONTRACT NUMBER 7, OLSSON, AIRPORT ENGINEERING – BRIAN CONDIE

Peter Olsson, Carolyn Dahlgren and Brian Condie were present and submitted the release for the Phase I Environmental Site Assessment, project work schedules.
This is in regard to moving our airport project forward and we are at the point where we have discussed the land acquisition with the FAA process and came up with a scope of work and a release to Contract No. 7 between Olsson Associates and the Board of County Commissioners.
Peter Olsson – the FAA recommended that we go ahead and with acquiring land to protect the approaches into and out of the airport. A good portion of this land is also required for future expansion of the airport but the official purpose of the requiring the land is to protect the approaches. In order to follow the FAA procedures we will need to take numerous actions including getting appraisals and reviews, surveys, and EIA surveys. So this release to contract is for Olsson to do all this work. A fair amount of it, the appraisals will be done through independent contracts.
Brian had an estimated cost of the funding. What we are doing here is preceding the request of for the values of the land we can acquire this year the funding that we received for next year; the $1.5 million will pay for 95% of this cost. We'll have some outlay this year and we will not be able to recover it until next year, the EIA Assessment running behind along with engineering that are waiting on the environmental assessment so the funds are available in a professional service line item to pay for this however we will not get reimbursed until next year. Additional funds for land acquisition which we have no idea not should we speculate on what that will cost will have to be addressed later to the Board once we find out what those values are and make our recommendation to the Board for a purchase contract. Then we can go out and

make the offers. This is the 1st step of a few that will be coming back to the Board informing them on the progress.
Carolyn – should we have to go to condemnation, that is different, this contract is all about appraisal leading to purchase and Peter is willing to make changes in his contract that he prepared, two substantive ones and she explained to the Board as follows: 1) in Section 4 – time for performance, as usual we need to have this contract just go through the end of the year with a renewal next year because of how we operate on a calendar fiscal year, also the reports from the appraiser according to paragraph 12 of Exhibit C, the appraiser is stating that only we would get the document and we want to be able to show the appraisal if necessary to the person from whom we are trying to purchase the land interest, so Peter is pretty sure he can get the appraiser to change that language, otherwise we'll have to get written consent from him every time we need to let the seller see the appraisal. The appraiser is saying he will not give us the right of publication and they will not be ours, it's his work and its opposite of how we usually contract.
Peter said he will change the language and if he isn't we will look for a new appraiser.
Carolyn requested a motion for Chairman Martin be authorized to sign this contract and change the time for performance, and just asked for a language change when Peter referred to a "subdivision plat" – that doesn't work for us out at the airport – it's just a plat.
Commissioner McCown asked if Brian anticipated putting funding in his budget for property acquisition knowing that these appraisals may not be back in time.
Brian - yes it is in his budget for 2007.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the release to Contract with the corrections noted by the County Attorney with Olsson and Associates and the Chair authorized to sign.
In favor: Houpt – aye Martin – aye McCown - aye

PUBLIC MEETINGS:
AIRPORT – APPLICATION OF JOHN W. SAVAGE AS A NON-COMMERCIAL HANGAR OPERATOR FOR THE PROPERTY KNOWN AS THE "RANDO T-HANGARS" AKA "OBERHOLTZER T-HANGARS" AND CONSIDERATION AND APPROVAL OF ASSIGNMENT OF THE GROUND LEASE FOR THE "RANDO T-HANGARS" TO JOHN W. SAVAGE, INCLUDING REQUEST TO AMEND SECTION SIX, "DEFAULT AND TERMINATION" – BRIAN CONDIE
Tom Carter, John Savage and Carolyn Dahlgren were present.
Carolyn reviewed the public hearing notice and determined they were in order and the BOCC was authorized to proceed.
Chairman Martin swore in the speakers.
John Savage submitted the non-commercial hangar operator application stating the approval of the "Rando Lease" was held earlier and this will close the purchase of the leasehold from Oberholtzer Trust on or before 8-31-06 and assume operations 9-1-06. Two hangars have been sold by the current lessee or its predecessors. Five hangars are currently leased with leases expiring 8-31-06. John plans to continue those leases at least until the Owners Association is made operational then to offer the 8 units to be acquired from the Oberholtzer Family Trust for sale and/or lease to the general public.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing. Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the application of John W. Savage as a non-commercial hangar operator for the property known as the Rando T Hangars or the Oberholtzer T-Hangars.
In favor: Houpt – aye Martin – aye McCown - aye

John Savage requested a delay in the declaration of covenants and the lease amendment.
Carolyn just needed to make sure it will be okay with the Commissioners so we can draft it and change it to be "direction to staff."
The Board stated it was okay.
LIQUOR LICENSE – SPECIAL EVENTS LIQUOR LICENSE FOR COOPER CORNER ADULT DAY CARE – MILDRED ALSDORF
Mildred Alsdorf and Tom Bowes for Cooper Corner Adult Care were sworn in.
Mildred said it is fundraiser for a gentlemen that lived in New Castle and worked at New Castle Bowl. We have a letter from Beverly Kline's saying they can use her property and have paid the required fees; they want to have this on September 23rd from 11:00 a.m. until 11:59 p.m. She turned this over to Tom.
Tom – the Raul Festival which was named for real music will be held on the 23rd pending approval to benefit a former Silt resident who passed away suddenly on July 17th and left 4 children without much support and his friends and neighbors up in that area have put this together with 4 bands to volunteer, use of the property donated, and the insurance riders from Alpine Insurance covering the event and everyone with million dollar riders was donated; the adult beverage from Tommy Knockers has been donated and the advertisement and radio, newspaper advertisement that hopefully you'll be seeing a lot of shortly all donated. All proceeds which it's a $20 per person donation at the gate for 12 and over 100% goes to the fund. Tom spoke to an assistant sheriff who met at the property – and they will secure the premises. The property is naturally secured by tree lines and four miles outside New Castle in a secluded area. Ticket receipts at the parking area and guests coming into the parking lot and backpacks checked for liquor; they have requested no coolers – he will be controlling the premises, wrist bands will be given out and they have10 volunteers who have taken the responsible server training. Tom runs the Meeker event on July 4th and other events – dog festival in Meeker just this last weekend. Downtown Market – Oktoberfest. Number of people – 499 people expected.
Mark Bean – over 500 will require a Special Use Permit.
Mildred stated the sign was posted on the property and he will bring it in.

A motion was made by Commissioner McCown 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 special events liquor license for Cooper Corner Adult Day Care as represented by the applicant.

In favor: Houpt – aye Martin – aye McCown - aye

LIBRARY – DISCUSSION REGARDING PUBLIC LIBRARY DISTRICT – BILL LAMONT

Bill Lamont, Tom Stuver, Cheryl Currier, and approximately 100 library supporters were in attendance.

Don DeFord reviewed the noticing and advised the Board everything was in order and they were entitled to proceed.

Chairman Martin sworn in the speakers.

Cheryl Currier, Bill Lamont, Tom Stuver Attorney for the Library and approximately 100 library supports were in attendance.

Tom Stuver stated they met with the BOCC in June and scheduled this meeting at that time, there are two facets that need to be visited and acted upon:

1) Whether or not the Board of County Commissioners should form a Library District and
2) Then, How to fund it, and the answer to that second issue is by having a Resolution authorizing an Election in November to contain both a mill levy issue and an issue that's related to the transfer of the revenues generated by the existing sales tax that has been marshaled for the library purposes in the past. There will be two Resolution for the board's consideration. It won't do to pass either one without the other however but they are separate linked subjects. Bill Lamont of the Library Board gave a history of how this approach is taken and Steve Jeffers is here to help explain the detail on the two election issues that hopefully will go before the voters on November 7.

Tom Stuver continued saying the Resolution that consists of one page for formation of the district was prepared pursuant to the discussion we had in June as to what the elements needed to be to go forward with the districting but making it subject to having a financial source available for it to conduct it's operations. This is modeled for that purpose. Should the Board go forward on both of these fronts, the result would be subject to voter approval in November. The District would be formed, the operations would commence January 1, 2007 and if the Resolution is approved, have as its directors the existing board of trustees of the Garfield County Library so that there would be continuity. The new district would assume all assets and liabilities and operations effective January 1, 2007. It would be funded by a multi-year agreement between the new district and the Commissioners providing for transfer on an annual basis of the funds received by the County that have been in the last few years marshaled exclusively for county purposes. That cash flow would continue effective January 1, 2007 and continue into the future until repealed by the voters. The other revenue source, the mill levy should it be approved by the voters would actually not be imposed until the 2007 tax year so the cash flow from it would not being to come in until January 1, 2008 so essentially the operations of the library, you would see no dramatic change between 06 and 07 because basically the fiscal resources remain the same and if you approve the Board continuing, the faces you see in front of you for budget approval and administrative matters will all be the same as well. The increase in revenue that would be anticipated in 2008 will then be part of the library's budget for that year and subsequent years and the ballot issue does provide and will elaborate on some of the capital improvements that that would help fund.

Bill Lamont – Anne Moore, Library Director is present as well and she will address any questions the Commissioner may have. Most of the people here are in support of the library and thanked them and asked for a consensus of that by a show of hands. Bill explained that they had met and done their homework between January and June and tried to keep the BOCC informed – a poll was conducted in June/July and 82% supported the idea of the library continuing getting the revenues from the ¼ cent sales tax; between 55% and 63% support the added mill levy to make the capital improvements. There's a lot of other information in the poll statistics and these were submitted. A usage study conducted by an architectural firm that has designed many libraries in Colorado and checked where we are on the right track as to the needs analysis and usage and these were available if the Board wants to see that information. The population projections – used the County's projections and Randy Russell, the County demographer and Bill said they stayed with the projections to year 2020 – 2025. These are all the prices used as a background to try and find out where we are going with the libraries and how to best serve the citizens of Garfield County. Two years ago when we did the strategic plan and again in 2005 the conclusion was obvious that relying totally on the ¼ cent sales tax we would not be able to meet the needs of the residents of the County. We have met with each of the 6 towns elected officials over the last 6 months and met with Town managers and talked with them and explained what the issues were and asked for their support and received unanimous support from the elected officials on the idea of proceeding to ask the voters. Anne Moore has been a great benefit as the library director and with her direction has taken a look at collections, technical services in order to meet the needs of the public and a comp plan to improve the services; without the physical facilities we can't meet those needs of the public. Management and collection, financing alternatives and happy to have the BOCC to campaign and raise the money to expand the libraries. They recognize the libraries can't compete with Sheriff and Road and Bridge and like to be able to go out and make a case to the public and have the opportunity to make case to the voters if the issue passes, receive the funds to do this. We will either fly with it or we find out we didn't do the homework.

The areas they are looking at to improve is double the size of libraries in Rifle, Glenwood and Carbondale, have major expansion at New Castle and Silt and eventually as the oil and gas in fact plays out in the western County we will have to go back to Parachute, projections are now 18,000 people by 2020-2025 in the western part of the county in Parachute and Battlement Mesa. A recent addition is not going to cut it in case these types of numbers actually occur. We are looking at all 6 libraries which are in essence over 25 years old and looking to expand every one of these libraries and increase the services. They anticipate up to as much as 5 years having the buildings built and furnished and ready to go. Improvements are being made with the funds they do have and under Anne's leadership have already started making major service improvements to the citizens and minor physical minor improvements this fall based on what the architect presented us with. Today we are asking for the Commissioner's support to allow us to move forward by

your creation of the district which is allowable under the state laws and not have to go to a petition route in order to do it. We think the way the Resolutions are drafted it puts the question to the voters which I know has been a concern of some of the commissioners that they want to hear the voters speak on this and the way the Resolutions have been drafted gives that right to the voters. So we are asking that you create the district today.

Chairman Martin – asked Bill to explain the different between what the Library Board makeup and the District Baord make up because the County Commissioners still have to appoint the board as it is now, under the statute they also have to appoint a commission which then selects Board members and still have to be confirmed by the Board of County Commissioners, and the other issue, you still have the budgetary review process under the present system as well as the next one unless you totally divorce yourself of Garfield County which I don't think that you can because you'll always have that ¼ cent sales tax, and it is it really an advantage to go that way to have more bureaucracy is what I look at or to stay the way it is and the other issue is the bonding and this is what its really about, being able to bond and going out for money. Now you could ask the Board of County Commissioners to put together a bond to put out on the ballot and what have you and retain that and have it dedicated to the library board as well as retain the ¼ cent sales tax or you can form a new district with a new commission with a new focus and the go out and ask for bonds but the county is still obligated if you should lose your funding source and still on the hook to pay for those bonds. Is this right?

Bill Lamont – we're responsible if the district is formed, we are responsible for all debts if the district is formed. If we are a county agency I believe the county is responsible.

Chairman Martin – I still think you're going to have better chance of selling bonds if the county is a participant is the bonds itself or an underwriter of those bonds – I don't think it will stand on its own in reference to its quality or marketability, etc. In other words you have to have a guarantee, if you have a guarantee it's sure a lot easier to sell those bonds and the county is the guarantee at the back end.

Steve Jefferies with an Investment Banking Firm, Steven Nicholas and Company, no, John is not correct. This district is its own entity once it gets approved; it will have its own assessed valuation. This is a separate legal entity created by the first Resolution that we have in front of you, the district will have its own assessed valuation, it will still go through the review process that you talked about in terms of both the selection of the board of directors as well as the budget approval process, however, it will have its own legal entity stand separate from the county if it issues bonds then the bonds will be a direct obligation of the district not of the County Commissioners. Furthermore, we believe and we have extensive experience in terms of underwriting municipal debt, that the transaction we're looking at doing in terms of bonding will be very well received by the credit worthy, very well received by the public, we'll actually be insured by a municipal insurance company that carry a AAA rating for that, not dissimilar from the process that the County went through in terms of its certificates of participation and the process of insurers as well. Because of the fact that we will have a dedicated revenue stream of 1 mill for the payment of the debt, because we will then have the contractual multi-year obligation for the and sales tax conveyance; we believe these bonds will have no problem getting municipal bond insurance and in fact will be the highest investment grade rating we can get on the bonds. This will not ultimate affect the county certainly in any kind of default situation, it will not affect the County – it truly is the library district and its own entity. We have dealt with these library districts before and have extensive track record in terms of those as well as other municipal bonds and I will tell you this will be a very well received transaction.

Chairman Martin – okay, its still a concern to me because you have a direct tie still with the Board issuing a bond and that Board is appointed by this Commission. This Commission will still – remember the Board is selected by this Board, or confirmed and put into place as a district. And to me that is still a legal tie back to the purse strings of the county in reference to any kind of a legal obligation of repayment and that's what bothers me just somewhat in reference to the new system in issuing bonds, etc. and again I have to look at that being financially concerned about that finance coming back to the County if you should default on those bonds in one way or another.

Steve Jeffers – you have no legal obligation to pay those bonds, you in fact will not have the ability to levy the mil levy unless you were to go and institute a new mill levy that the voters will approve, because the voters are approving this funding source and the only obligation you will have under this transaction is that now rather than having the ¼ cents sales tax that is currently, if it's approved by the voters, for both library purposes as well as public works projects, you now are conveying that amount of money as a contractual obligation rather than a year to year appropriation, you're going to conveying that money as a contractual obligation on a multi-year fiscal obligation. Should you not convey that, I mean there is a financial obligation legally because you've entered into a contact so that obligation is still there but other than the fact that you approved all setting of all the mill levies in the county, this is no different than that – we will have 1 mill levy, we will come in front of you to basically have you approve a 1 mill levy, if you don't approve it, if you don't approve our budget at the 1 mill levy, then that can obviously cause us some concern but again, if we come back to you and you're approving budgets in the normal process in the process of approving mill levies, we don't see that to be any different than any other entity. And the bonds will be structured so that the 1 mill levy is more than adequate to cover our debt service schedule. There will not be other than that no direct financial liability on the County.

Chairman Martin – my other question would be the ownership of the land itself or the present where their locations are, not all land is owned by the library, but by the board. The building are but there's a partnership between the municipalities and the ownership of that land and the occupation of that land, have you discussed this with the municipalities, is there an attempt to purchase that or to expand it or to buy adjoining property or have the same agreement in place?

Bill Lamont – we have talked to each of the communities about that and pending the creation of the district and pending the vote in the fall, it is our intent in fact, I'm on the agenda tomorrow with Rifle and Thursday night with Glenwood. We're basically looking to work with the communities, one of the failures we feel in the past is the communities have looked at the libraries as not being theirs and what we're trying to do is create the feeling in each of the communities is that the library is their community facility and we have a commitment to work with the elected officials in each of those communities and what will work out

best for Rifle may not be the best situation for Glenwood so we are willing to work with them on how to approach that. We own the buildings in 6 and we own the property in 1 of our libraries. And obviously in the case of Glenwood, we will be relocating the library to a new facility and a new site and we think that's a pretty exciting thing because we can compliment the civic center here and we're already had talks with the city manager, the planner and the City Council on that issue. So the idea that these libraries are going to be owned in a sense by the citizens in each of the communities is what we're striving for.
Chairman Martin – my concern is that maybe a municipality would like you to purchase that land or purchase of the building in exchange for another relocation and that's a contract that we need to discuss.
Bill Lamont – we're in a position to, if we gain the assets, the buildings, and under the district, according to the Resolutions you have before you, then we're in position to sit down with the cities and work out what is best for the citizens in that community.
Tom Stuver, the other thing is that none of the deeds or leases contain restrictions on transfer so long as the property continues to be used for library purposes, so we have that opening and second to that we have municipality, you want to refuse us the opportunity to deed or assign this in order for us to have an opportunity to expand the facility on the property. We really aren't anticipating any municipalities to expend public monies to buy library buildings.
Chairman Martin - Well, I look at an asset that is being lost by the Board itself and if you're talking about relocation of any library in any municipality, that building itself has been an asset to the Board and since they own that and their lease agreements, how does that affect again and be able to recover that asset and put it to new use which is another facility. In other words, are you able to sell the building or not.
Tom Stuver – not for purposes other than library purposes.
Chairman Martin – there you go.
Tom Stuver – for library purposes, the answer to your question is yes we are – unqualified; there are no restrictions on transfers as long as those particular properties continue to be used for public library purposes.
Chairman Martin – so Glenwood may have two libraries.
Tom Stuver – the assets from that building would transfer. That would be up ….
Chairman Martin – that would be up to the sale.
Tom Stuver, answer to another question John posed, how the board is constituted and continues, what we drafted for you in the proposed Resolution was that you would act as a committee as a whole in appointing the existing Board of Trustees to be the Board of Trustees of the District. You don't have to do that – you can appoint a completely new Board of Trustees if you thought that would add to the ease of continuity. The Statue says that the initial board is to be identified by a committee of two of you, I drafted it to be a committee of the whole just so one of you wouldn't feel excluded from that process. In the future however, the Statue provides again that the County Commissioners will appoint effectively two out of three of you at a point or you can delegate the ability to nominate two trustees, its still going to be subject to your approval.
Chairman Martin – yes, its ratification.
Tom Stuver – another thing to remind you of from our previous discussion, should you approve the Resoltuion forming the District today, we have a 90-day period in which to complete an Intergovernmental Agreement that will give more detail to the relationship between County and the new board. And of course that 90-day is going to trail the election, the end of that 90 days and we will probably won't do most of the work on that until November 8, 2006, then we'll hold on it for 2 – 3 weeks but we know the essential elements. The essential elements are that since we are going to be receiving county funds as part of our budget, you will continue to have the ability to annually review our budget – that's part of the statutory framework we all live in as Don reminded us of two months ago, so that will continue. The fact that you have budget approval does not lead to any legal liability on your part should the district default to its creditors. We're not anticipating that will occur but it simply is not face anymore that it is a special district or a school district were to default on its obligations would that come back to the county, you are establishing a separate legal entity with independent taxing authority and it's not full faith in the credit of Garfield County that would be at risk in the event of any obligation by that new entity.
Chairman Martin – I would like to believe that 100% but the way the court system is going I can't – they're always finding somebody and it's always at the end of the taxpayers' wallet that's getting hit one way or the other.
Tom Stuver – let's paint an extreme case – you have a multi-year financial obligation to the new district, to transfer the sales tax revenue, if there's a creditor of the new district who goes unpaid and successfully obtains a judgment against the new district, that revenue stream, your annual tax obligation that's in that multi-year financial obligation, could be garnished by the creditor and that would assume that the assets of the libraries had been exhausted before the creditor tried to do that. I think, and we're really stretching the reasons for that.
Commissioner Houpt – let's not forget that the same taxpayer will be supporting the library in the county.
Tom Stuver – in the 1 mill levy.
Chairman Martin – just the property owners.
Tom Stuver – this is going to be attached.
Chairman Martin – the reason I also bring that up is because we have a relationship with the library that we cover all of their billing, everything comes to us so when that attachment comes, guess where the mailing address is and then that starts the ball rolling at that point. I'm just saying there are some things that need to be done here, no, that's an agreement above and beyond statute, that's between the board and the County Commissioners that we are assisting them in everything from their billing, check writing, etc. which we didn't follow through that we would just give one check a month, you guys take care of all the bills and what have you, that's hasn't been achieved yet. The personnel code is different, the wage structure is different, all the obligations in reference to overtime and what have you are different from the County and the library hours are different, all that kind of stuff, so we'll have to talk about that on the contract in transfer of monies and what have you but that's for later, but that still exists and it still ties back to us in reference to those issues, at least in my mind. I'm still responsible for again the Fair Labor's Act and on

and on and on and they find their way all the back to the Board of County Commissioners. That's the way I see it, but again we'll discuss that when the voters have a chance to say yea or nay.
Commissioner Houpt – I have some questions about the Resolution, I was wondering if you had opportunity Don to read these.
Don – yes, albeit the discussion was occurring, but it really isn't that difficult because they conform to our earlier discussions, I think they're in line with the notice and really are almost verbatim in what we've discussed and what's contained in state law.
Commissioner Houpt – well that and more because they offer something that I'm actually delighted to see, Paragraph 3 takes away really the concern I would think of some of the Commissioners on this board, because it does effectively bring the decision back to the voters and it helps us streamline the process and allows us to by Resolution put this on the Ballot but effectively the voters are making a decision on whether the District occurs or not.
Don – glad you mentioned that paragraph because I wanted to talk just briefly and looking at the draft that Mr. Stuver presented earlier concerning the formation of the district, Paragraph 3. That is in line with Statutory provisions and it would be my position not only based on that paragraph but under the provision of state law, if the mill levy is disapproved, the district actually isn't formed. It requires this Resolution and approval of the mill levy where mill levy is proposed for funding to finally establish the district. That's why I agree that November 8 would be the day when we start talking about the …. November 8, 2006 would be the date the district comes into being, if the voters approve it. It raises a bit of a question in and maybe a comment I should make, if the voters for instance were to approve the mill levy and you approve the Resolution, voters approve a mill levy but then for some reason don't approve the second piece the second ballot issue I will say on the commitment of long term funding, the district is still established, it's just that one portion of the funding is not committed for long term funding, so I wanted to make sure you understood that. Conversely, if the long-term funding is approved but the mill levy is not, under state law, the district is not formed. Now I'm made those statements on my reading of state law and if the district representatives or attorney disagree, please say so.
Tom Stuver – I happen to agree and trying to draft a Resoltuion with some of the Commissioners concerns, we found that state statute already anticipates those concerns, so it's not difficult to put that paragraph in there.
Chairman Martin – very good.
Commissioner McCown – just back to the County Attorney, the legal advice that we were given initially on this and even earlier, is that this Board can by Resolution form a district but it takes a vote of the people to disband that district and by the virtues of the 3rd Paragraph, that does not hold true.
Don DeFord – there are many options Larry for forming a district and funding a district. It's not required to form a district that you have a mill levy but if you do and if that is a source of funding to operate the district, it has to be approved by the voters. My reading of state law is you could form this district solely by the long-term funding if you chose to do that. But that's not the option that's being presented to you or the voters.
Commissioner McCown – so then did I understand you to say that if the mill levy fails, the district is null and void.
Don DeFord – it is not established.
Commissioner McCown – even though we establish it by Resolution.
Don DeFord – well that is a bit of internal conflict with the Statute, if your Resolution for instance proposed establishing a district but did not rely on a mill levy for funding the district, the district would be formed on the effective date of the Resolution. But where you are using a mill levy as funding for the district, it also requires approval of that mill levy by the voters to complete the establishment of the district. Again, that's the way I read it.
Tom Stuver – its 24-90-107 2c.
Commissioner McCown – will that Resoltuion stay in place and should the Library Board the following year propose to go forward with a mill levy and it passed, then boom, it's a district again, or does the creation of the district have to take place again.
Don DeFord – my reading is it actually isn't created so that they would have to start all over again.
Commissioner McCown – okay
Chairman Maritn – what they could do is and it doesn't serve their purpose, is to request a Resoltuion supporting a district now with the present funding in place. And then come back and have a district with that funding over a long term and then ask for a mill levy to the public – that would be another election in another year but the time line is not right, so that they wish to ask the question now, let's have a mill levy and a district at the same time, hooking them together. It's a gamble and you are taking a big gamble in reference to taxes and mill levy increases.
Bill Lamont – again our objective is to get the revenues to make the improvements, its not to become separate from the County, we're not hung up that we need to be a district to be a district. Our objective is to get the revenues to make the improvements and this is the only way we see of doing it for the entire County. We could do it individually community by community but we think not a productive approach.
Tom Stuver – it's really the only way to approach it without Garfield County being on the hook.
Chairman Maritn – right and my concern also was does the agreement and the formation of the 6 libraries within the district and using the oil shale trust fund money and what have you that created all these libraries and agreements, leases and what have you, back in the 80's or 1979, but that is not violated in reference to creating – it still remains the same and sill is a lease, etc. I was worried that it could turn that upside down, etc. in that agreement.
Tom Stuver – to get even more detailed on that, if you look at the plans for the new libraries that were built in the 79-82 cycle, the architectural detail shows that they were designed to be expanded in each instance. I don't know that I've seen Carbondale's but have seen everything in the west end of the county was done anticipating that the expansion phase would be sometime in the mid to late 1980's because of the boom growth that was projected to continue at that time. Now it's caught up with us.
Audience comment

Lynn Burton – 756 Sopris in Carbondale, I think the overriding issue for the County Commissioners here is not libraries and books but whether to give the people of Garfield County the opportunity to vote on whether they want to create a library district. If you don't give the people a chance to vote on whether they want to create the district, what's happened here is 7 – 8 – 9, the library board and you have decided that we were to create a taxing district. Without the people being able to vote on it whether to create this district, there won't be any public discourse and just listening to this discussion here, one question that came up is if the district is approved then between the quarter cent sales tax the district will get and the mill levy that the district could assess, how does that put this district in comparison to other districts around the state. We would have a Cadillac system would be in the middle of a bunch, would we still be bring up the behind, I don't know. Those are the kinds of questions that can come out during public discourse before an election. Page 2 – the library feel said they have conducted a survey that show 63% approximately favor the creation of a district, a telephone survey or polls is a poor second choice compared to an actual vote on what the people decide. Summing up I don't see any compelling reason for the Garfield county Commissioners to deny the people of Garfield County the right to vote on whether they want to create a special taxing district. I'm asking the County Commissioners to deny the request.
Commissioner Houpt – pointed out that this doesn't keep the decision away from the voters, the way this is worded, it will take the question to the voters and if they vote to fund through a mill levy it will create a district, if they don't vote on the mill levy funding portion there won't be a district, so essentially you're really asking the voters – do you want a district, is this the way you want your library system run in this County.
Lynn – that's not what I'm hearing; I heard Mr. Lamont here say that you could put this – you could do it through the petition process, it would take another year and through the petition process you would be asking the voters if they want us to have a district.
Chairman Martin – that is one process true.
Lynn – that's the process that I prefer.
Chairman Martin – I did too, but they tied it into again if the mill levy does not pass the library district is not formed. And with that, which is statutorily acceptable, you could put that question out there and the citizens having it this year instead of next year and that's where the library board is coming from.
Lynn – never mind.
Chairman Martin – said we need watch dogs like you out there to keep us honest.
Tom Stuver – in the discussion we assumed everyone had the Resolution is front of them and if I can read Paragraph 3 into the record:

> Part of what the Commissioners are considering in the Resolution for formation of the District, has as its closing paragraph "that should the registered electors of Garfield County not approve the proposed mill levy at the November 7, 2006 general election, this Resolution establishing Garfield County Library District shall be rendered void and of no further effect."

Tom Stuver – so this would have no further effect. It really does pose the question, that question is incorporated in whether or not the voters approve the mill levy.
Don DeFord – I would add to that language that simply says very clearly that if the voters don't approve that mill levy that the district is not formed. I think it does say that but going just beyond giving no effect to the Resolution, I think it should say clearly that this district is not established. That's the language of the Statute.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; motion carried.
Don stated there are two matters for the Board to act on: 1) a proposed Resolution to form a Garfield County Library District, the 2) if you act affirmatively on the first, the second is to establish ballot language for two separate ballot issues concerning long term sources of funding equivalent to the current ¼ cent sales tax and a second ballot issue to oppose a one mill levy on behalf of the library district. Don asked that the board act on each proposed Resoltuion separately.
Commissioner McCown – one question, on the Resolution setting forward the ballot question, No. 3 in the first Resolution is not addressed anywhere.
Steve Jeffers – meaning that this is null and void if in fact the district is not formed?
Commissioner McCown – to address Lynn's concerns, if someone reads the ballot question on the mill levy, no where in that ballot question does it mention, that should this ballot issue fail or pass, if it passes it is the formation of a district, if it fails the district goes away. That's not in the ballot question. Is that appropriate or inappropriate? I'm just asking the question before we move forward.
Tom Stuver – it is purposefully not in the ballot question because the ballot question deals with two discrete fiscal source questions and that is why paragraph 3 in the separate Resolution becomes a key and it stands on its own.
Commissioner McCown – I have to ask Tom which Resolution trumps the other?
Chairman Martin – the first one trumps the second one.
Tom Stuver – if they actually trump each other but the fact is that if there's no district resulting from the condition you impose under the short Resolution.
Commissioner McCown – the citizenry won't know that.
Tom Stuver – well I think, Mr. Burton's point, there should be debate on that issue and everyone's job is to make certain that the public sees both sides of it.
Commissioner Houpt – I think it's very important that the public understands the connection between the two so they know the possibly unintended consequences of not supporting the other ballot issue.
Bill Lamont – that was not clear in the Open Space issue a number of years ago and as a result of that the Open Space was created but it was not funded, so it is absolutely crucial that we make that point.
Commissioner McCown – with that I would make a motion that we approve the Resolution to form a District and that would be the Resolution as presented earlier with the three points on it and alluded to all morning.
Commissioner Houpt seconded.

Chairman Martin – as long as that's understood that if the mill levy does not pass on the vote of the people, the district s no longer in service and we'll go back to the drawing board. We will have to come up with a different solution or a different approach which is what we should be doing to make good business practices.
In favor: Houpt – aye Martin – aye McCown - aye
Commissioner McCown made a motion of the second Resoltuion calling an election of November 7th regarding ballot issues to be submitted in connection with the Garfield County Public Library District and the setting of ballot titles for the Election Ballot Issues.
Commissioner Houpt seconded.
Chairman Martin – we have a time-line for the legal question, you have the space available, etc.
Don DeFord – the space was reserved.
In favor: Houpt – aye McCown – aye Martin - aye

PUBLIC MEETINGS: OIL AND GAS – DETERMINIATION ON WHETHER OR NOT TO REFER AN APPLICATION TO THE PLANNING COMMISSION FOR A SPECIAL USE PERMIT FOR NATURAL GAS COMPRESSORS (PROCESSING AND MATERIAL HANDLING OF NATURAL RESOURCES) FOR WILLIAM R. PATTERSON, RODNEY C. POWER, RONALD E. TIPPING AND MARIE E. TIPPING LEASING TO ENCANA OIL AND GAS (USA), INC. – MARK BEAN
Mark Bean stated that this is an application for what we term in the storage processing and material handling of natural resources; it is technically a change in the application originally in October of 2005. EnCana received approval for 3 compressors that is called the Orchard Mesa site, they're now requesting that they expand the number of compressors there and they're proposing to put an additional 5 gas driven and 2 electric driven compressors on the existing site.
Staff was made aware by Jim and the OGCC that EnCana has been sited for noise regulations violations on this site for these compressors. One of the issues that Encana is trying to deal with here now is methods of trying to modify or reduce that noise so they come into compliance, they have submitted as part of this new application a noise suppression or noise modification plan that will at least based upon the design reduce the level of noise bellow that they are now in violation of. Because of the violations and because of the fact that this is an existing facility, staff is suggesting that to send this to the Planning Commission right now probably isn't necessary and suggesting that this is heard before the Board in order to deal with the noise and address it.
Discussion was heard on the pros and cons of the violation.
Mark still suggested this be heard by the board to being to immediately address the noise and stated EnCana is trying to build a building and have an answer to the noise. The earliest this could be back if send to the Planning Commission is December. Mark informed the Commissioners that the State is not pushing them to do come into compliance. They have until February 1, 2007. They can submit building plans for the building – original site plan did not include building and it is legal as long as no substantial changes are made to the current SUP; he advised EnCana they can enclose the compressors. If this hearing not delayed then the sooner the BOCC can make a decision and EnCana can become compliant.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to hear the Special Use Permit application.
Discussion
Commissioner Houpt – commented that she thinks this should be two different hearings since they are out of compliance.
Mark – you could but they are trying to come up with a remedy.
Commissioner Houpt – they need to prove they can actually mitigate the noise before they can proceed.
Commissioner McCown – EnCana has been given a notice and has until Feb. to comply so there is no benefit to build around 3 compressors when they can build around 8 all at one time.
In favor: Martin – aye McCown – aye – Houpt – aye.

PUBLIC HEARINGS: MAHAN – PRELIMINARY PLAN APPLICATION FOR THE MAHAN SUBDIVISION LOCATED AT 1226 BLACK DIAMON MINE ROAD. APPLICANT: MAHAN PROPERTIES – FRED JARMAN
Chris Hale and Kelly Cave from Dan Kerst, P.C. representing the Mahan Properties, David McConaughy representing adjacent property owners, Fred Jarman, and Carolyn Dahlgren were present.
Chris Hale – Potential royalty owners could not be notified. 30 and not more than 60 days – all notices were done on June 3.
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.
There was no proof of mailing but proof of receipts and the testimony was accepted as to this fact by the Commissioners.
Chairman Martin swore in the speakers.
The following exhibits were submitted into the record:
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 and Exhibit I - Glenwood Springs & Rural Fire Protection District
Exhibit J – Letter from the Colorado Division of Wildlife dated 1-30-2006
Exhibit K - Garfield County Road and Bridge Department

Exhibit J - Colorado State Forest Service
Exhibit L - Colorado Division of Wildlife
Exhibit M - Colorado Division of Water Resources: No material injury to decreed water rights
Exhibit N – Memorandum from the County Vegetation Manager dated 2-1-06
Exhibit O – Pictures submitted by Kathleen Harris
Exhibit P – Scott Fifer Power Point Slides
Exhibit Q – Termination of Protective Covenants and Deed Restrictions
Exhibit R – Staff Power Point Presentation
Exhibit S – Exemption Lot History map from Davies to Carnes to Mahan
Exhibit T – Packet from Leavenworth & Karp dated May 3, 2006
Exhibit U – Letter from Pat Fitzgerald dated 4/16/06
Exhibit V – Packet from Dan Kerst dated 5-8-06
Exhibit X – Minutes from the Planning Commission Meeting on April 12, 2006
Exhibit Y – Minutes form the Planning Commission Meeting on May 10, 2006
Chairman Martin entered Exhibits A – Y into the record.
Fred explained that this is a 20-acre parcel of land located in portions of Section 8, T7S, R89W, generally located approximately five (5) miles south of Glenwood Springs, off of County Road 126 with zoning in the ARRD zone district

DESCRIPTION OF THE PROPOSAL
The Site: The 20-acre parcel, generally located south of Glenwood Springs in the Four Mile Creek drainage, is bisected by CR 126 (Black Diamond Mine Road) across the northern portion of the property and is bordered by BLM on the north and private lands on all other sides. Existing improvements on the property include a single-family dwelling and an arts and crafts studio on the west side of the road and a guest house and two out buildings on the east side of the road. The tract contains some hillsides (slopes of 7 to 15 %) and is generally covered by grasses, sage, and oak brush.
The Proposal: The Applicant proposes to formally split their 20 acre property into two lots (Lot 1 having 5.66 acres and Lot 2 having 15.06 acres). As a practical matter, the Applicant proposes to use Black Diamond Mine Road (CR 126) to split their property into the two lots. Domestic water source for the two lots comes from an existing spring well that currently has a West Divide contract. Existing ISDS would be utilized for sewage disposal purposes. Access to the properties would continue to be County Road 126. Lot 1 would contain the existing house and arts & crafts studio. Lot 2 would contain the guest house and the two outbuildings.
PROPERTY / PROJECT HISTORY
This request to split the subject property has been previously reviewed by the Board of County Commissioners on two separate occasions, once in 1989 and again in 2002. The Board conditionally approved the request in 1989 (James Mahan was the Applicant of record); however, the Applicant never submitted a Final Plat for approval by the Board due to a conflict with covenants on the land that prohibited further splits of the land. The covenants were valid until January 1, 2000 and then automatically renewed unless they are changed by a majority vote. (See page 12, Section VI, Letter L for discussion of the covenant issues.)
In 2002, the Applicant (James Mahan) submitted an application for an exemption to split the property into the same presently proposed configuration. The Board of County Commissioners denied the request, by a vote of 2 to 1, finding that ***the proposed split by a public right-of-way does not prevent joint use of the proposed tracts***. This finding by the Board was memorialized in Resolution 2002-71, dated May 20th, 2002. Subsequently, "Mahan Properties" (which consisted of James and Roberta Mahan) appealed the Board's decision to County District Court by filing a Rule 106 Petition for Judicial Review and Declaratory Judgment against the Board. The District Court Judge dismissed the claim against the Board finding the following:

> ***Since Mahan Properties is the owner of the land, the only remedy is dismissal because Mahan Properties was not a party before the Board of County Commissioners. Mahan Properties is similarly free to submit an application [to Garfield County, sic] for an exemption in its own name.***

Therefore, the merits of the decision to deny the exemption request by the Board were never discussed in District Court because the wrong party filed suit. If "James Mahan" had remained the owner of the property and filed the appeal in District Court rather than "Mahan Properties," the substantive issues may have been discussed. As a result, the Board's decision to deny the exemption request remains the final outcome.

Lastly, since the application filed by James Mahan in 2002 was denied by the Board, Section 8:32 of the Subdivision Regulations of 1984, as amended, states "An applicant denied exemption shall follow the subdivision procedure in these regulations."

RELATIONSHIP TO THE COMPREHENSIVE PLAN
The subject property is located in Study Area I and is designated as "Low Density Residential" on the proposed land use district map which suggests an overall density of 10 acres per dwelling unit or greater. The proposal, if approved, will result in an overall density of 10 acres per dwelling unit if the main house remains the only dwelling unit on Lot 1 and the guest house reverts to a primary unit on Lot 2. The resulting density is consistent with the proposed land use district and residential uses in the Comprehensive Plan.

III. MAJOR ISSUES AND CONCERNS FOR ZONING

Regarding zoning, the property is located in the ARRD zone district. The proposal is generally consistent with the uses and dimensional standards of the district; however there are several issues that Staff points out below where the proposal conflicts with the Zoning Resolution.

1) Dimensional Standards

By locating the new lot line separating the two lots down the middle of Black Diamond Mine Road, it renders three of the existing structures (the framed dugout, storage building, and cabin (on Lot 2)) as non conforming structures because they would be located in the newly created front yard setback of 25 feet from the front property line or 50 feet from the centerline of the road whichever is more restrictive. In this case, the 50 feet from road centerline is more restrictive. Therefore, this proposed lot line makes the three subject structures non-conforming structures that cannot be expanded because of that status. Arguably, these non-conforming structures exist today using the 50 foot from road centerline as the setback. (See the illustrative insert to the right.)

2) Uses

There are a number of existing uses on the property. Only two residential dwelling units are allowed on the parent property consisting of the "Main House" (primary use) and the "Cabin" (pre-existing non-conforming dwelling). No other residential structures or uses are allowed. For clarity, Staff outlines these uses here so that there is no ambiguity regarding what is being requested and / or allowed by zoning for the current parent property or what may be allowed on proposed Lots 1 and 2 of the Mahan Subdivision:

Current Uses Allowed on the Parent (20-acre) Property

Structure	Use
Main House:	Dwelling unit
Barn / Garage:	Art Studio / Home Office (approved Conditional Use Permit)
Framed Dug-out:	Out building
Storage Building:	Storage
Cabin:	Legal non-conforming dwelling

Proposed Uses to be allowed (if approved) on Lots 1 and 2 of the Mahan Subdivision

	Structure	Use
Lot 1:	Main House	Dwelling unit
	Barn / Garage	Art Studio / Home Office (approved Conditional Use Permit)
Lot 2:	Framed Dug-out	Out-building / storage
	Storage Building	Storage
	Cabin	Dwelling Unit

As a matter of background, the property received approval for a Conditional Use Permit for a ***studio for arts and crafts*** and a ***home occupation***, memorialized by Resolution No. 98-06. Conditions of that approval required the Applicant to 1) have an engineer certify the adequacy of the ISDS serving the structure and 2) that the structure not be used for any other purpose than the home occupation and arts and crafts studio. The ISDS was permitted and verified as being adequate for the studio for arts & crafts/home occupation. If this structure is being lived in independently, it represents a zoning violation and will need to be investigated by the County Code Compliance Officer.

Finally, the uses provided above are the only uses (particularly the dwelling unit count) permitted on the parent property or on Lots 1 and 2 of the proposed Mahan Subdivision. As mentioned above, the Comprehensive Plan proposed land use designation (average density) allows for 10+ acres per dwelling unit. This means that there can be no more than a total of 2 dwelling units on the 20 acre "parent" property or 1 dwelling unit on each of the proposed Lots 1 and 2 of the Mahan Subdivision. Assuming Lots 1 and 2 are approved, any additional dwelling units on those lots requires a Special Use Permit from the Board of County Commissioners. Even so, these additional units would be in conflict with the densities in the Comprehensive Plan.

MAJOR ISSUES AND CONCERNS FOR SUBDIVISION

As mentioned above in the background section, since the most recent Subdivision Exemption request was denied in 2004 by the Board of County Commissioners, Section 8:32 of the Subdivision Regulations of 1984, as amended, states "*An applicant denied exemption shall follow the subdivision procedure in these regulations*." What follows is an analysis of the proposed subdivision with the applicable County's Subdivision review requirements.

A. Legal Access

Legal access is provided from County Road 126 to both lots. The Applicant is using the County road for the split by running the dividing lot line down the middle of CR 126. Normally, the County would have the Applicant dedicate a 60 ft. wide right-of-way for the road as it passes through the property. As noted in a previous discussion, a road easement was filed in 1975 that created a 60 ft. wide road and has been shown on the proposed plat. It appears the easement is between private parties and does not include the County, but the County has maintained the road for over 20 years. If the road has not been deeded to the County, the Applicant shall be required to deed a 60-foot right-of-way to the County for the 60 foot wide right-of-way for County Road 126, if they have the right to do so. This deed shall be provided to the County with the Final Plat application.

B. Water Supply

1. Physical System

The Applicant intends to provide domestic "potable" water to Lots 1 and 2 from an existing spring well ("Davies Well") located on Lot 2. Physically, the water system consists of an artesian well (a spring well) where this water is piped to an infiltration gallery, then to two 5,000-gallon storage tanks. Water is then sent to each individual lot by way of booster pumps and pressure tanks. Water treatment is provided by canister filter cartridge containing a spun fiber filter. An on-stream pond, separate from the water system provides fire protection water storage.

2. Legal Supply

Regarding the provision of adequate legal water, the existing spring well (the "Davies Well") was decreed by water court case # W-2572, appropriated in 1941 and decreed in 1974. This well was recently re-permitted under permit #239415 by the Division of Water Resources in April, 2002. This well permit states the well may provide water up to two (2) single-family dwellings, fire protection, watering of domestic animals, and the irrigation of not more than one acre of lawn / gardens.

Subsequently, the Applicant obtained an augmentation contract from West Divide Water Conservancy District which was activated on January 15, 2004. This contract provides water from the Davies Well to serve up to three (3) single-family dwellings and up to 6,000 sq. ft. of irrigation water for lawn / gardens. At present, the subject property is allowed to contain two single-family dwelling units (the main house and the cabin).

3. Physical Supply

Regarding adequate physical supply, the Applicant provided a "spring water test" conducted by J & M Pump Co. (January 22, 2005). This test indicated that the "spring" water supply produced a flow of 15 gallons a minute and would be stored in a 5,000 gallons fiberglass storage tank. The report indicated that the supply and storage would be adequate to serve up to three single-family dwellings at 350 gallons per day per household. Mountain Cross Engineering provided an analysis, which concludes that the peak day use could be accommodated by 3.63 gpm and that the spring and decree have the capacity of 4 times the anticipated use.

4. Fire Protection Water

The Mountain Cross Engineering report states the property contains an on-stream pond, separate from the water system, which can serve as fire protection water storage. Ron Biggers with the Glenwood Springs Fire Department met with the Applicants at the property several times to discuss fire protection and water sources (***Exhibits H and I***). His letter explains that there is no established / recognized water supply for fire fighting in the CR 126 area. The Mahan property contains several natural and man made water supply sites but have poor access to them. The Applicant could improve access to the sites in order to provide a water source. This was suggested by the Fire District but not acted on by the Applicant to this date. Staff finds that if proper connections can be installed at the two 5,000-gallon water storage tanks, that water would be available.

5. Water System Ownership & Service

The water system will need to be conveyed to a Homeowners Association created by the Applicant. This HOA shall own and maintain the physical water system as well as the water rights (well permits and augmentation contract). Further, the location of the components of the physical system shall be placed in easements shown on the final plat.

STAFF COMMENT

Ultimately, this debate is a legal one. The Board is being asked to deny this subdivision application based on a representation by Carnes to the BOCC in 1975 that no further subdivisions are allowed on all of the lots created by Exemption which includes the Mahan, Green, and Stephenson properties. The submitted evidence, claimed by Leavenworth & Karp, is in the Carnes Petition, although it was not reflected in the Resolution of approval. Also note, there are no conditions in the resolution (as are typically required today) that "all representations are considered conditions of approval."

PLANNING COMMISSION RECOMMENDATION

While Staff recommends the Board approve the application, the Planning Commission held a public hearing on the request on April 12, 2006 which was continued to May 10, 2006 and recommended (by a vote of 4 to 3) the Board deny the preliminary plan application finding that:

1. That proper publication, public notice, and posting was provided as required by law for the hearing before the Planning Commission.
2. That the public hearing before the Planning Commission was extensive and complete; all pertinent facts, matters and issues were submitted; and that all interested parties were heard at those hearings.
3. The application is **not** in compliance with the standards set forth in Section 4:91(A) of the Garfield County Subdivision Regulations of 1984, as amended and specifically stated here:

In all instances, evidence that a water supply, sufficient in terms of quality, quantity and dependability, shall be available to ensure an adequate supply of water for the proposed subdivision. Such evidence may include, but shall not be limited to:

1. Evidence of ownership or right of acquisition or sue of existing and proposed water rights;

2. Historic use and estimated yield of claimed water rights;
3. Amenability of existing right to change in use;
4. Evidence that public or private water owners can and will supply water to the proposed subdivision, including the amount of water available for use within the subdivision by such providers, the feasibility of extending service to the area, proof of the legal dependability of the proposed water supply and the representation that all necessary water rights have been obtained or will be obtained or adjudicated, prior to submission of the final plat; and
5. Evidence concerning the potability of the proposed water supply for the subdivision.

1. That the proposed subdivision of land is in compliance with the recommendations set forth in the Comprehensive Plan for the unincorporated areas of the County.
2. The proposed subdivision of land conforms to the Garfield County Zoning Resolution of 1978, as amended.
3. The proposed use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.

RECOMMENDED CONDITIONS

Should the Board approve the preliminary plan, Staff suggests the Board consider requiring the following conditions of approval:

General

1. That all representations made by the Applicant in the application and as testimony in the public hearings before the Planning & Zoning Commission and Board of County Commissioners shall be conditions of approval, unless specifically altered by the Board of County Commissioners.

Plat Notes

2. The Applicant shall include the following plat notes on the final 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 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".
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. In addition, 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 partially or wholly 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)."
h. "Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado."

County Road 126

3. The Applicant, at their own expense, shall remove the "framed dugout" as identified on the Preliminary Plan from the County Road 126 right-of-way. Security for this work shall be included in the Subdivision Improvements Agreement if not removed by the Final Plat submittal.
4. The Applicant shall obtain an Encroachment Agreement from the Road and Bridge Department allowing the "Cabin" and "Storage Building" to remain in the County Road 126 right-of-way. This approved agreement shall be submitted with the Final Plat application.
5. The Applicant, at their own expense, shall 1) remove the corner fence at the existing driveway to the Main House as identified on the Preliminary Plan, 2) one tree at the driveway entrance shall be trimmed if possible or removed for better visibility for

downhill traffic and widening the existing road, and 3) remove brush and fencing from the right-of-way on both sides of CR 126. Security for this work shall be included in the Subdivision Improvements Agreement if not removed by the Final Plat submittal.

6. The Applicant shall be required to convey a 60-foot right-of-way easement to the County for the 60-foot wide right-of-way for County Road 126 as it passes the full length of the property. The form of conveyance shall be acceptable to the County and shall be provided to with the Final Plat application.

Wastewater

7. Pursuant to Section 4:92(E) of the Subdivision regulations, the Applicant shall submit an Individual Sewage Disposal System (ISDS) Management Plan for the operation and maintenance of all the on-site ISDS systems. The Applicant shall include this plan in the protective covenants.

Water System

8. As required for the Final Plat application, the Applicant shall create a Homeowners Association (HOA) and provide the Articles of Incorporation, By-Laws, and Protective Covenants with the Final Plat application.
9. The Applicant shall be required to convey the existing water system in its entirety, to the HOA. This HOA shall own and maintain the physical water system as well as the water rights (associated well permits and augmentation contract).

Easements

10. All easements of record shall be shown on the Final Plat. More specifically, the Applicant shall identify the location of the components of the physical system which shall be placed in easements on the final plat.

School Site Acquisition Fee / Traffic Impact Fee

11. The Applicant shall pay the appropriate RE-1 School Site Acquisition Fee as calculated by Section 9:81 of the Subdivision regulations. This fee shall only be calculated for one new dwelling unit on Lot 2. Payment of this fee shall occur prior at the time of Final Plat. In no circumstance shall the Final Plat be signed by the Board of County Commissioners until such fee has been paid.
12. The Applicant shall pay the appropriate Traffic Impact Fee for a property located in the 8d Traffic Study Area. This fee shall only be calculated for one new dwelling unit on Lot 2. Payment of this fee shall occur prior at the time of Final Plat. In no circumstance shall the Final Plat be signed by the Board of County Commissioners until such fee has been paid.

Fire Protection

13. The Applicant shall submit a "Wildfire Fuels Reduction Plan", approved by the Glenwood Springs Fire Protection District with the Final Plat application. This plan shall incorporate the recommendations provided by the Colorado State Forest Service in their letter dated 1/23/06 (***Exhibit J***). This plan shall also be incorporated into the Protective Covenants.
14. The Applicant shall design and install an appropriate water line connection from the two existing 5,000 gallon water tanks on the property to the County Road in order that the water may be used for fire protection supply. This design and location of line shall be reviewed and approved by the Glenwood Springs Fire District. The Applicant shall submit the approved design with the Final Plat documents.

Weed Management

15. The Applicant shall provide a Weed Management Plan which includes weed treatment by June 1, 2006 to the County Vegetation manager for review and approval. The documentation may be in the form of copies of application records or they may contact the Vegetation Management Department for a site visit to verify that the treatment has been done by June 1, 2006. Proof of this shall be included in the Final Plat application.

Chris Hale – added in the interest of water, the Mahan's well did not run dry but this basin is historically dry but the Mahan well did not dry up. He explained the termination of covenants that was done near the turn of the century, they hired a legal to help them out and from his prespective it was something the title commitment turned up where the termination of covenants described the legal description of the property and Stewart Title did this and stated that this doesn't describe the Mahan property. But if you switch the two southwest and the northwest with northeast and north west and the southeast with the southwest, it describes it exactly. This was an obvious typographical error when they hired Shenck and Kerst and DeWinter to redo and since then it has been done.

Kelly could go through the entire covenant history. Fred did a great job and Exhibit C is a chain of title work she has done and a history and reviewed it and the point is that basically Ben Carnes had taken a piece of property, gone before the Board of County Commissioners, got covenants attached to it but then legally removed it. That's our argument, they were removed and essentially there's no evidence, looked through minutes, all the history and there is no evidence that that these parcels were ever tied together and no evidence that they should be a group unanimous to have these covenants removed. So essentially it was taken in part and pieces and covenants were placed on it and then they were effectively removed and an argument before Planning and Zoning was that we missed the deadline, however, if that were the case these covenants could effectively never be removed if you're claiming covenants are in effect for 10 years the actually covenants say unless a majority of owners approve to have them removed, which is what we did. In our mind the covenants are removed and it's not an issue but if the Commissioners want additional analysis they could comply.

Commissioner Houpt – sounds like in the past there has been the debate on who the covenants cover but from your prespective it only covers those three parcels. From other's prespective it covers a large . . .

Kelly Cave – there is an argument that everything on that map should be considered part of it but if you see there are no covenants on the majority of them and on the one more coinciding is Harry Williams parcel,

only two of the three had covenants, and if you look at Boland's parcel he had provisions that claimed that they would allow further subdivisions. There is conflicting evidence of what was agreed upon but no written evidence that they were all tied together.

Public testimony

Pat Fitzgerald, 0600 CR 138, I have no interest in this property, he's a realtor and development and no interest in it as such other than my commitment to those who purchased the property and still live up there Sharon Stephenson and Kathy Harris. A little history, I lived next door to this property and purchased 90 acres from Chip and Nolan Axthelm that was accessed off of the Black Diamond Road in 1972 and I became acquainted with the property and we had a lot of land around us and we wanted to try and keep it the same, so after being there a couple of years some clients from Grand Junction, Kearns, Williams, Faussone, Nelson, Rump that I went to and said let's put together a group, I'll do the footwork and let's develop this land and we'll sell it off in large pieces and I'll put my commission back into the deal and my motivation is to try to keep my neighborhood of a low density. That's what we did. I can tell you and my testimony in front of the then County Commissioners, the covenants will be the same on each 40 acres parcel and why the one piece ended up with Robert Stowe did not get covenants, and think it was simply a clerical error as it was supposed to be on his piece. The fact of the matter is though the testimony heard that Mahan and Green missed the cut-off date and it seems to me that even if it doesn't require everyone to vote on it, they have another 6 – 7 years to wait. The other thing a little history, I originally met Dave Davies that ran the Black Diamond Mine and later his kids, David passed away by the time we put this deal together. Pat deal with Luellen Davis, a son and shortly after we sub-divided the piece that's in front of you, and sold it to the first purchaser is Jimmy Sills and got a call from Jim about the end of July – we don't have any water. We looked and the Black Diamond spring is a mud-hole and has no water running there. They hauled water year after year. You have evidence of a well test in January and people didn't run out of water in Jan, Feb, and March because of the snow. Shannon Stephenson well went flat dry and she hauls water; Kathy Harris, has in her deed restrictions on her piece for in-house use only. Feel he has morale obligations that we sold to, to hold these no split covenants. And I will admit we did a long of the things, all of this is my typing and my handwriting on the documents you see on the chain of title and that was in the good ole days when we wasted our money on attorneys, no offense intended and we may have made some mistakes.

Discussion continued regarding the chart, the owners from the original 6 parcels.

David McConnahey – commented that there is a difference of opinion and he represents a lot of people regarding the covenants. Judge DeVillibus determined Sharon Stephenson had rights to enforce the covenants. If this is approved, we'll be in court to decide – county not in the business of not enforce covenants.

2-43-00 – opportunity to prevent a law suit – people should be held and applicants held by their representations. Kearns – approved as in the - represented in 1974 – should be held – second reason – county should care- limit future subdivision – steep mountain terrain – narrow road – BOCC should consider the compatibility by and recommendation of the planning commission and urge denial – as Fred pointed out – opens the neighbors and also Accessory Dwellings – this is clearly where this is heading – barn – has been used as an AUD and may now be – should not allow any ADU's – based on traffic and water to deny it

Kathy Shelby formerly Kathy Harris – submitted as a reminder some photos taken of the Mahan that had been submitted as Exhibit O and she addressed the issue of covenants. Her concern is that this is a fragile mountain community, it's a dirt road and it's dangerous. Besides that the Mahan's live in non-compliance and listed some of the neighbor's complaints. Mahan still inhibit 4 dwellings and only acknowledge two – art studio is inhabited by Jim Mahan himself and cottage is also inhabited – continually told this is not permitted. These are huge concerns. Planning & Zoning has denied this request and encourages the BOCC to deny.

Scott Pifer – 0251 Black Diamond Road – urge the Commissioners to deny the application – compelling testimony – issue with the covenants; before he and wife bought – looked at status quo and proceeded to purchase property; water supply not a problem but they are down gradient about 750 from Davies' well; Sharon Stephenson well went dry – tried to reconstruct well and for the last year she hauls water. His water well is okay. Before he built he did a well test and went ahead and purchased. The water supply up there is very important to him as he is located down gradient of the Mahan properties about 750 feet from the Davies well which is the source of water for this proposed subdivision is the Sharon Stephenson well and it went dry and Sharon tried to reconstruct that well and dig it deeper and tried to revive it but it didn't work. She has hauled water and continues to do so today. He discussed the legal source of water, which is from West Divide Water Conservancy District and that source that the District has to offer is unique in this basis in that it doesn't provide physical water into the basin. This plan is in exchange using some of the senior rights on Four Mile Creek itself so it doesn't put any wet water or anything that would replace the depletions attributed to the Davies well up there. Whatever water is there stands on its own.

Dennis Hines – agrees with Kathy and the basic problem – interest in keeping it the way it is. Mr. Mahan is not a resident of the State of Colorado – resident of Florida and Texas – His attitude toward the entire area is that it is for development. Sold half of his water for commercial property and goes into Four Mile Creek and goes East. He has disrespect for the law and others. We believe that law has a purpose to preserve some semblance of civilization where too much civilization is going to be harmful.

Kelly Cave – as to covenants, she pointed out that we can't go back on what everyone thought however, legally they fell they have been removed. This property was subdivided and those covenants didn't say they couldn't be removed. They were removed and this is not something the Commissioners should be deciding, it should be a matter for the courts to decide.

Chris Hale – added that the professed intent of no further subdivision obviously hasn't been consistent even with 40 acre parcels. One of the reasons he's here instead of the Mahans is because that the bad neighbor syndrome between them and their neighbors so they didn't want to be here. Jim Mahan owns

a water company and a reservoir up above this and so he operates that reservoir separate from this subdivision. He does own a business that is owned out of Texas and so he does disappear for the summer months where he rents umbrellas, lounge chairs, etc. but they are full time residents here in the winter. He wants to subdivide to give each child a lot.

Commissioner McCown – on the water discussion, the water from the reservoir that you spoke to earlier and the water that was addressed going down to Four Mile Creek and then not knowing where it's going, this has nothing to do with the spring that is used as a water source, does it.

Chris – they are separate.

Commissioner McCown – the West Divide is an augmentation plan and it has nothing to do with putting water back into the land at that location, is that correct?

Chris – yes for any out of priority use. There were a couple of stipulations that Fred may hit on and one of them was the framed dugout would be removed, an issue that Road and Bridge had raised and Fred didn't mention, and there is a pond and some storage tanks existing now that the fire department requested a quick connect coupler where they could use those in case of a fire and the Mahan's are okay with those at the P & Z time.

Commissioner Houpt asked Fred to respond to the 1975 approval of no further subdivision in the conditions of approval.

Fred – there are two Resolutions in 74 and 75 when those were approved by the Board. One of those has a penciled in, oh by the way, all representations in the covenants still apply. That's true I believe on the Williams, it's silent on Kearns now David McConnahey represented that the petitions for exemption which was the application before the Board, both of which mention having covenants for both the Kearns petition was identical to the Williams is right. That's what I can tell you, the whole notion of these covenants, whether or not they still survive, I cannot give you an opinion on that. Both applications discussed covenants.

Kelly stated that she went through the minutes and there was no specific discussion saying that you have keep these and comply with them in the future so to be very honest, the minutes are very minimal.

Fred – pointed out – there is the no subdivision of the subdivided lot provision and there was some discussion on a greater development of these beyond what you are seeing. Those are the regs you have on the books today. Density - Comp plan density exists today it's an average density, not minimum lot size and make sure everyone is on the same page, arguably you could have a 2 acre lot and an 18 acre lot still meeting the 1 to 10; there are provisions to fire protection as well others that Fred said he could address. You heard testimony that the art studio is perhaps lived in today and was an issue in 2000 and was followed up by Steve Hackett. We went in and did an inspection and it was a legitimate, unlived in structure. The ISDS is verified by Gamba and Associates and has been re-reviewed by that engineering firm and they testified that it is legitimate to serve the structure. The County doesn't keep a vigilant eye on this property, but we can if there's a formal complaint. Can do it – if there is a violation.

Commissioner Houpt – a concern that if this is approved its not going to be compatible with neighborhood uses and I can understand that if we start seeing applications for ADU's in addition to what's already on the ground. Have you thought of a condition not to allow ADU's?

Fred – that is within your purview. That's within the Comp plan – it talks about that kind of density and it meets the density today in staff's view, the average density, but if you start including accessory dwelling units where they count as a matter of density and oftentimes it's the cart before the horse and in some ways where you get an approved subdivision, then 5 years later some of those lots come in for an ADU, even though the original approval for that subdivision maxed out its density on the comp plan, you have that experience going on right here in front of you where let's say you were to move forward with an approval, this is the maxed density according to the comp plan and you have authority to say forget it, there could be a prohibition on accessory dwelling units, today are the uses compatible with the surrounding area, we would have to say yes. This Board has yes particularly with a Conditional Use Permit, that's a finding this board made in 2000 that this is consistent with the neighborhood area, so the residential use consistent with the other residential uses, of course it is, is the density there today consistent, yes but if you increase the density perhaps it is not.

Commissioner McCown – did you do the site visit? Yes. Did you make plans ahead of time so that someone would be there to meet you? Yes, a week in advance. Did you see any sign of occupancy in any of the building alluded to today? No.

Fred – explained the extent of his site visit. When we do site visits I don't go inside structures, this is land use. I was invited into the main floor of the barn/studio and it didn't appear to be a functional dwelling unit; it's an interesting structure but I did get a chance to look into the middle storage between the dugout and the old log cabin and that full of boxes.

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

Commissioner Houpt – I can see why the Planning Commission came up with the recommendation they made but I would have taken it further than that and added that it wouldn't be compatible with neighboring uses or with the representation that homeowners had when they purchased their property and I would have to agree that when we have public hearings there are representations made when there are subdivisions approved, so I'm going to put a motion on the table to deny this application to support the reasons that the Planning Commission gave with respect to water not being proven to be consistent with it's incompatible use with neighboring properties. Commissioner McCown – seconded.

Discussion

Commissioner Houpt – I think that this opens something up that is just not compatible with that area. The road is very narrow and very dangerous, we know that the water can be sporadic up there and seeing a lot of structures that are currently on this site that are non-conforming but can be there because they were there we had certain regulations in place but I certainly wouldn't, I can't support this application knowing that the purpose is potentially to come back to us for further development as well and also for the reasons that I stated earlier.

Chairman Martin – I have consistently stayed to the point that this is a piece of property, estate planning and don't think we can allow it to be over developed simply because we can review that process, etc., it means the overall density, total density and we've seen that in many of the subdivisions even though the lots are smaller than 2 acres, etc. It's still a neighborhood dispute and an issue about live styles and unfortunately the county is in the middle and the use of common denominators like covenants to fight back and forth and it's a moot issue. The water is a moot issue, the water engineer has said that the water is an augmentation plan that is adequate, Mr. Mahan also owns a water company that supplies waters to other people and it's above this property so I don't see that this is truly a reason to deny the use. There are problems in the neighborhood and I acknowledge that and people don't like each other every now and then but this is not the arena to take care of that, this is a land use decision, do they meet the requirements or no. You've got to take the personalities out of it and you're personal likes and dislikes and say does it apply. Unfortunately I think it does apply and the road is a very big issue and that went to court as well to establish that. The house on one side and a house on the other side, there's a provision in statute that says if it's divided in a separate use, etc. it should be a lot use, that was denied by this board, I supported that idea and went to court and apparently it didn't fly in court either, but again, I think it's a neighborhood dispute unfortunately.

Commissioner McCown – I can't buy into the changing of the environment because as one of the slides that Fred put up early in his presentation, the number of dwelling units will stay the same, everything the same except it will be divided into two parcels, one being 5 plus acres and the other 15 plus acres. We're not increasing density at all, we still have two residential units for 20 acres which is what our zoning regulations in our comp plan adheres to so if we aren't going to respect those, I don't know why we have them, why we spend all the time and effort updating them and keeping them updated to the current needs if we're going to discount that; and I don't know why planning and zoning did what they did, I certainly appreciate their time and efforts, I just don't agree with them. The water engineer reviewed a proposal and they review it on the grounds that its an old application and it meets the needs of two residents, two residences is all that's being looked at and they are the people that review the water, we're not. And it meets the two residents. The water engineer testified there is a legal source of water and if that suits them, that suits me; I don't question them because I don't have the authority to question them. That's why I'm having trouble agreeing with what Planning & Zoning brought forth and I don't think it was on proper grounds and I can't support it.

In favor: Houpt – aye Opposed: Martin – aye McCown - aye

New motion:

Commissioner McCown made a motion that we approve the preliminary plan with the conditions as listed by staff and everything we were concerned about earlier regarding fire protection, water, waste water are all addressed and I would like to add a 16 as an additional condition of approval that given the nature of this area and the comp plan, no additional dwelling units allowed on these parcels and that is a condition of approval of this preliminary plan.

Commissioner Houpt - seconded.

Chairman Martin – there are not additional dwelling units and has to remain as it is and the removal of a building in the county right-of-way etc. as stated and as a condition of approval, therefore actually one less building on the site.

Commissioner Houpt so there will be the removal of that building, the dugout and no additional dwelling units and they are allowed one dwelling unit per parcel period, no ADU's, no apartments over the garage.

Chairman Martin – now if we have a zoning violation then we need to go into a different arena and we need a complaint to address in a different arena and follow through but that is not part of this application. We will make sure that we discuss that particular issue after this land use decision.

In favor – Martin – aye McCown – aye Opposed - Houpt

Code Enforcement Issue

As far as any violation, make sure we get that information to our Code Enforcement Officer and any other information and if the citizens are willing to come forward and testify to make that we will make sure we do investigate that to the fullest extent and that compliance needs to be adhered to.

Executive Session – personnel matter, ***contract dispute***

Brian Condie, Jesse and Ed were needed.

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

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

Action

Commissioner McCown made a motion Garfield County pay United Companies $4666.83 for their claim against work done at the Garfield County Airport. Commissioner Houpt seconded.

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

Action

Don – we're seeking direction regarding an appeal of the City of Glenwood Springs via the Planning Commission decision about the Child Advocacy Center, does the board wish to appeal that decision.

Commissioner McCown – yes we do and so moved. Commissioner Houpt seconded. In favor: Mccown – aye; Houpt – aye; Martin – aye.

Action

Commissioner McCown – we also directed staff to move forward on a legal description of some property in question in the 320/317 intersection area. Don asked if they can obtain a private surveyor for that. Yes.

Commissioner Houpt – seconded.

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

The Traveler

The Mountain Valley and the City and CMC are meeting about Travelers' decision to discontinue service to the disabled passengers and there's a meeting on Thursday. Commissioner Houpt will attend – Thursday 3 pm in Glenwood Springs.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

SEPTEMBER 11, 2006
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 11, 2006 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.

The American Flag was lowered and a silent prayer was held for the Remembrance of 9-11.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

John Martin and Larry McCown were honored with cake and flowers in celebration of their birthdays. John's was Saturday, September 9 and Larry's is today, September 11, 2006.

Closure of Clerk's Office on Election Day – November 7, 2006

Mildred brought to the attention of the Board that she wanted to close her office on Election Day, November 7, 2006.
The Board didn't have any objections.

REGULAR AGENDA

PUBLIC HEARINGS: CONSIDER AN AMENDMENT TO AN EXISTING SPECIAL USE PERMIT FOR THE STORAGE OF VACUUM AND FRAC TANKS, OFFICE AND TRUCK MAINTENANCE SHOP. APPLICANT: DALBO, INC. - FRED JARMAN

Fred Jarman, Carolyn Dahlgren and Nick Richens for Dalbo, Inc.
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 exhibits as follows: Exhibit A –Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D –Staff Memorandum, Exhibit E – Project Information and Staff Comments. Chairman Martin entered Exhibits A – E into the record.
Fred stated that the Applicant requests a SUP for an amendment to an existing SUP for the storage of vacuum trucks and frac tanks, office, and truck maintenance and wash shop. The subject property is approximately 1.25 miles south on County Road 319 on 35 acres

BACKGROUND

As you will recall, the Board approved a Special Use Permit in August 2003 for the creation of a storage yard for vacuum trucks and frac tanks, an office, and a maintenance shop on the subject property on CR 319. The Applicant indicated that that the proposed uses include the following:

1. Storage of 30 vacuum trucks
2. Storage of 200 frac tanks
3. Office and operations management
4. Maintenance of trucks inside shop
5. Washing of trucks
6. Potassium Chloride storage (or KCL is a week salt mixture, non-toxic and non-hazardous) used in down hole operation and maintenance of oil and gas wells.

Dalbo, Inc. has been in the oil and gas service business since 1970. Dalbo, Inc. has operations in Utah, Wyoming, Colorado, and California. The home office is in Vernal, Utah. Dalbo, Inc. owns and operates vacuum trucks and rents frac tanks to oil and gas companies for the extraction of oil and gas natural resources. The primary function of the existing use is the hauling of fresh water for drilling, renting frac tanks, filling frac tanks with fresh water and KCI water, and hauling of produced water (salt water) to disposal pits.

REQUEST

The Applicant proposes to make the following changes to their operations which require a new SUP. (See the attached Impact Statement & Site Plan)

1) Increase size of office from 1040 to 2080 square feet;
2) Construct a covered outdoor parts storage on the east side of the maintenance shop and expend current parts storage to 25' x 15';
3) Change the use of the wash bay to a maintenance shop and relocate the wash bay to a separate location on the site (20 x 20 shed);
4) Add an additional 1,000 bbl tank at the tank farm;

5) Increase the number of trucks stored from 30 to 80 at the site.

The area surrounding the property storage yard is vacant except for gas wells to the north and one of EnCana's evaporation pit and storage yards to the south on the Benzel property which has an approved SUP. There are no homes, subdivisions, irrigated lands, and retail or commercials operations in the area. The Applicant has installed a 5' security fence along a portion of the boundary line as well as follows the base of the hill on the rear of the property preventing any disturbance of this hill area to keep it in its natural form. Lighting has been installed to light up the area around the shop and the office. This lighting will be on an electric eye to turn on at dark. The lighting used will be directed to minimize any off-site glare. The Applicant has also installed a 4' X 8' non-lighted sign will be erected to identify the facility that complies with the county sign standards. The Applicant, as a requirement from the original SUP, installed landscaping along CR 319 in front of the main shop building which has been installed. The new minimal additions to the structures and additional truck storage will not adversely affect the surrounding character of the area.

A new concrete pad will be constructed to replace the existing one in a new location to catch the wastewater from the truck wash and the water will be reused similar to a car wash. The water and silt will flow to a concrete collection sump. When it becomes necessary to remove the silt from the collection sump, a backhoe and dump truck will be used to collect and haul the silt to the landfill. The truck wash is a concrete self-contained unit. The Applicant asserted that no truck wash water would impact the ground water or the surface runoff. Frac tanks and vacuum trucks will be stored on site empty.

The Applicant noted that the maintenance shop will normally have its doors closed. Any noise, smoke, dust, vibration, or other emanations from the shop should be minimal. No painting, sandblasting, or manufacturing of new equipment will take place at the shop. Storage of maintenance fluids (motor oil, antifreeze, transmission fluid, etc.) will be stored inside the shop. The Applicant indicated that when a truck is started a minimal amount of smoke and noise will be created. A minimal amount of welding, for minor repair only, will be done in the shop. All manufacture of trucks and tanks is done off site. A used oil containment tank will be placed outside of the shop to hold used oil. Use oil will be collected periodically.

In the event of potential violations with respect to vapor, dust, smoke, noise, glare or vibration, the Applicant will be required to provide proof of compliance with applicable Federal, State, and County laws, regulations and standards.

The application did not contain an analysis of wildlife impacts on the property. There is existing fence that has been installed on the property by the previous property owner which has probably disrupted the migration routes or use patterns by wildlife habitat if it existed. The proposed use should not result in increased adverse impacts to wildlife or domestic animals through creation of hazardous attractions, alteration of existing native vegetation, and blockade of migration routes, use patterns or other disruptions. The activities of the expanded business will not result in the generation of products or waste products that will attract wildlife or domestic animals.

Previously, Applicant has noted that County Road 319 is one of the main roads being used by EnCana to access their gas extraction activities. The Applicant feels that there are some distinct advantages to locating on the subject property. These include:

1. Currently, all of Dalbo's vacuum trucks are traveling into the Rifle area via I-70 from Grand Junction and DeBeque. The vacuum traffic should decrease on the freeways and secondary roads. The truck drivers will drive their personal vehicles to the yard each day, pick up the trucks and go to work.
2. The tank storage yard is currently located in a leased yard on the west Rifle I-70 frontage road. Winch trucks travel to the yard to retrieve our tanks and move them to various oil field locations. If the tanks were located in the new yard, the winch truck traffic would also decrease, because access to the oil field locations would be closer to the new storage yard.
3. The KCI storage tanks are also located in the leased yard on the west Rifle I-70 frontage road. Vacuum trucks travel on this frontage road to load the KCI water and haul to various oil field locations. The across town traffic on secondary roads should decrease.

Much of the adjacent land is vacant except for EnCana's evaporation pit to the south and gas wells and tanks to the north. There are no homes or neighborhoods adjacent to the property. The Applicant noted that the SUP request coincides with the current land uses on adjoining properties.

Mitigation measures for all of the foregoing impacts identified have been addressed throughout this memorandum. Mitigation measures for the standards identified in Section 5.03.08 [Industrial Performance Standards] of the Garfield County Zoning Resolution are addressed in this memorandum.

The Board approved the following steps will be followed for "partial" rehabilitation of the property:

A. All frac tanks shall be hauled away.
B. All vacuum trucks shall be driven away.
C. All KCI storage tanks shall be hauled away.
D. Building and structures may stay and be sold to other industrial uses.
E. Replacement of stockpiled topsoil.
F. Compliance with all prevailing COGCC and Garfield County regulations governing final reclamation.

Staff is of the opinion that the proposed "partial" rehabilitation plan of the property is the preferable plan.

Steve Anthony, Director of Vegetation Management, previously noted that the primary concern is that the storage facility could act as a vector that will facilitate the spread of weed seeds throughout the County as various items will be stored on site and than transported to other areas.

Weeds on the Garfield County Noxious Weed list are not common on this site, however, cheat grass (bromus tectorum) is found in the area. Cheat grass is not a county-listed noxious weed, however, it is a

State of Colorado listed noxious weed. Cheat grass is an invasive species that quickly spreads and it poses an immediate fire hazard once it has been established. The seed of cheat grass has a very long awn and will attach itself to vehicles and other items. The obvious concern is the potential of cheat grass to attach itself to any of these items that are stored on site and to be carried to a previously cheat grass free site.
Mr. Anthony indicated that the Applicant shall provide to the County a commitment to minimize the spread of cheat grass through any activities on site. This may include, but is not limited to, 1) a plan to wash items before they leave the site, and 2) a plan that details how cheat grass seed production will be eliminated.
The Applicant shall comply with this provisions if deemed necessary by the Board of County Commissioners. The Applicant asserted that if any bonds, commitments, or other security is deemed necessary, the Applicant will comply.
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:

Volume of sound generated by the proposal has been addressed previously in this memorandum. The Applicant noted that the proposed operation shall comply with the maximum standards established in the CRS 25-12-103. Upon a receipt of a legitimate allegation of a violation with respect to noise, the Applicant will be required to provide proof of compliance with State dB levels.

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.

No vibration is anticipated with the proposed use. Upon a receipt of a legitimate allegation of a violation with respect to vibration, the Applicant will be required to provide proof of compliance with applicable Federal, State, and County laws, regulations and standards.

No emissions of smoke and particulate matter are anticipated as part of this project. Upon a receipt of a legitimate allegation of a violation with respect to smoke or particulate matter, the Applicant will be required to provide proof of compliance with applicable Federal, State, and County laws, regulations and standards.

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.
No emission of heat or radiation is anticipated as part of this project, aside from the emissions from the trucks. Upon a receipt of a legitimate allegation of a violation with respect to the emission of heat and radiation by the proposed use, the Applicant will be required to provide proof of compliance with applicable Federal, State, and County laws, regulations and standards.

Propane is used to heat the office and shop. The 1,000 gallon propane tank has been located between the shop and the truck wash.

The Applicant noted that any flammable soils or gases will be stored in accordance with accepted laws and standards. The Applicant shall comply with all Local, State and Fire Codes that pertain to the operation of this Facility.
The Applicant asserted that if required, fencing or landscaping of the facility from adjacent properties will be accomplished.
No materials or waste are associated with the proposed use. All garbage generated will be stored within standard garbage receptacles and will be removed accordingly.
The subject property is 35 acres in size and is not part of a platted subdivision. There are no residential dwellings within 300 ft. of the property. The Applicant noted that if deemed necessary, the storage area will be screen. All repairs and maintenance will be conducted within the shop. All loading and unloading of equipment will occur on the property.
Lighting has been previously installed to light up the area around the shop / office and the tank farm. The locations of the proposed lights are delineated on the site plan. This lighting is motion censored to turn on at dark. The lighting used will be directed to minimize any off premise lighting. A condition of approval remains that all lighting shall be directed inward and downward towards the interior of the property at all times.
The only chemical being stored on site will be a weak salt solution that is non-toxic and non-hazardous, known as potassium chloride (KCl). The maximum amount to be store on site would be 2,500 bbls. The Applicant has provided a copy of the Material Safety Data Sheet on KCl. There is no real or potential impact to surface or ground water supplies. In the event of potential violations with respect to water pollution, the Applicant will be required to provide proof of compliance with applicable Federal, State, and County laws, regulations and standards which primarily includes the Colorado Department of Public Health and Environment / Air / Water Quality Control Division.

STAFF RECOMMENDATION

The proposal appears to double the size of the office, add 50 new vacuum trucks to the operations, and add a new truck wash facility. While these are increases to the existing facility, the site is already converted to

the existing use with little adverse visual affect to the existing area. As a result, Staff recommends the Board approve the 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, such as Noise Abatement, Water and Air Quality.
4. The Applicant shall comply with the Vegetation Plan approved by the Garfield County Vegetation Manager to minimize the spread of cheat grass through any activity on-site. The Plan includes, but is not limited to, washing items before they leave the site and spraying the yard each year to control cheat grass.
5. The Applicant shall comply with the following recommendations from the Garfield County Road and Bridge Department:
    a. The Applicant shall be required to add new gravel to CR 319 from the Grass Mesa Road at the end of the paved portion past the entrance to the evaporation pit. This new gravel shall also require a dust control agent (Mag. Chloride) application. The application rate shall be at 0.6 of gallon per square yard.
    b. The Applicant shall obtain the gravel, haul it to the site, and supply water trucks for the project and pay for the Mag. Chloride. Garfield County Road & Bridge Department has agreed to place the gravel and compact it. Garfield County Road & Bridge Department will contract for the Mag. Chloride from our supplier and back charge the Applicant for the cost of the product.
    c. The depth of the gravel would be 4-inches at 24-feet wide. The amount of gravel would be determined after approval of the application by the BOCC. The Applicant shall also be required to participate in all future applications of Mag. Chloride for the same distance when required.
6. Vibration, emission of smoke and particulate matter, and the emission of heat or radiation shall comply with applicable Federal, State, and County laws, regulations and standards.
7. The Applicant shall comply with all Local, State and Federal Fire Codes that pertain to the operation of this type of facility, this shall include compliance with the National Fire Protection Association and the Colorado Department of Labor and Employment, Oil Inspection Section for the fuel farm (tank farm on the site plan). The Applicant shall also work with the Rifle Fire Protection District to mitigate any fire protection concerns with regards to the additional 1,000-gallon LP tank.
8. Any signage installed on-site shall comply with the County's sign regulations.
9. Any changes to the Special Use Permit shall require a new Special Use Permit.
10. Partial rehabilitation of the property, should the use terminate, shall consist, at a minimum, of the following:
    A. All frac tanks shall be hauled away.
    B. All vacuum trucks shall be driven away.
    C. All KCI storage tanks shall be hauled away.
    D. Building and structures may stay and be sold to other industrial uses.
    E. Replacement of stockpiled topsoil.
    F. Compliance with all prevailing COGCC and Garfield County regulations governing final reclamation.
11. Prior to the issuance of the Special Use Permit, the Applicant shall provide a copy of an approved City of Rifle Watershed Permit, if required, for this expansion.
12. 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.
13. All parking (vacuum tanks) along the south end of the property shall be set back and in line with the office / maintenance shop.
14. All lighting on the property shall be inward and downward with limited glare off site.
15. The subject property shall not become a regional parking and maintenance facility.

Fred clarified that these conditions recommended today expand the ones in place on the current Special Use Permit.

Applicant: Nick Richens, Dalbo

Commissioner Houpt asked Marvin of Road and Bridge about the use of heavy traffic is the road sufficient for that use.

Marvin – it is but we wanted extra gravel on there now is because in 2008 plan is for asphalt and would need the gravel prior to asphalt. It will be safe.

Commissioner Houpt – when we talked about regional parking and maintenance we were talking about having 30 trucks there on a regular basis, now we're talking 80, what would a regional facility look like?

Fred – in our mind and this is what you're particular vision was when this came through, is just to serve that area rather than all of the gas exploration in the county so I think as far as that service area is, it's envision by Dalbo is a more pointed question to the applicant and what they anticipate is – in 2003 it was just this area. It's logically that as that area grows the need will also grow with it and assuming that's what they will do with it. All of the lighting on all this property has to be inward, downward and motion detectors.

Nick Richens – as to the regional facility a) since here last, purchased 2 other properties and the trucks operating at this location are for the Rifle area, we overestimated frac trucks and underestimated water trucks. Lighting won't change as it's already installed.
Mildred – asked if all vehicles were licensed in Colorado?
Nick – no, they are proportioned in Utah.
Mildred asked the applicant to send her a list of all vehicles with plate numbers.
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 amended to the existing Special Use Permit with the conditions noted by staff in the staff report I believe there are 15 of them and added a condition number 16 to supply all the vehicle records to the Clerk and Recorder.
In favor: Houpt – aye Martin – aye McCown - aye

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR A RESORT LOCATED NEAR SKI SUNLIGHT OFF OF FOREST SERVICE ROAD 300 – MARK BEAN
Todd Leahy and Kristine Leahy, Carolyn Dahlgren and Mark Bean were present. The property is located adjacent to Ski Sunlight off of Forest Service Road 300.
Mark submitted the following exhibits: Exhibit A – Mail Return – Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D –Garfield County Comprehensive Plan of 2000; Exhibit E – Project Information and Staff Comments; and Exhibit F - Application. Chairman Martin entered Exhibits A – F into the record.
Mark stated this is adjacent to Ski Sunlight off of Forest Service Road 300 on 2.0 acres
DESCRIPTION OF THE PROPOSAL
The applicant is requesting approval of a special use permit for a Resort on the property. The application is to allow for the addition of another 2 bedroom/1bathroom cabin to the existing cabin of the same size. They will also add two garages, with one of them having a 500 sq. ft. studio caretaker above it. Access to the property is off of Forest Service Road 300, which is located above Ski Sunlight. Water will come from an existing well and sewage will be treated by ISDS. Each cabin will be rented out with a minimum of a two-night stay and they anticipate an average of two cars per cabin accessing the property on a regular basis.

Staff finds the proposal provides a recreational opportunity for County residents as well as attracting new and returning visitors to the County, does not conflict with the policies of the neighboring US Forest Service regarding access to public lands, and is not located in nor interferes with any designated visual corridors.

A Resort is a special use in the ARRD zone district, which may be granted if the Board finds the request meets the following applicable definitions, criteria, and standards provided in the regulations.

Definition of a Resort
The Zoning Resolution defines a Resort as a "Dude ranch or guest ranch; hunting or fishing camp, cross-country or trail skiing lodge (any of which shall not exceed twelve (12) dwelling units or forty-eight (48) beds or visitor capacity), land used for the purpose of recreation, which provides lodging, recreational activities, dining facilities, commissary and other needs operated on the site for guests or members."

The applicant has provided a copy of West Divide Water Contract No. FM020530TL, which provides augmentation for an existing well on the property. The contract provides 1.11acre feet of water for domestic and commercial purposes. The existing cabin on the property has an approved ISD system. The new cabin and caretaker unit will have to build another ISD system or modify the existing system to be approved by the County.

The water rights associated with the property are more than adequate to meet the legal and physical needs of the proposed resort. The ISD systems do or will meet the State and County requirements for ISDS.

As noted previously the property is accessed by Forest Service Road 300. The applicantion states that the number of vehicles accessing the site on a daily basis for the resort activities will average 4 vehicles. The amount of traffic accessing the site should not cause any significant impacts to the road system.

The proposed resort is located on property that is bordered by US Forest Service and Ski Sunlight. Given that the property is surrounded by public lands and ski resort lands, staff does not see any need for screenning or landscaping to minimize the impact on adjacent properties. Regarding lighting, the applicant intends to serve the site with electricity. Any lighting shall be required to be directed downward and inward. This has been made a condition of approval.

STAFF RECOMMENDATION
Staff recommends the Board of County Commissioners **Approve** the special use permit request for a resort on the property with the following conditions:
1) All representations of the applicant shall be considered conditions of approval, unless changed by the Board of County Commissioners at the hearing.
2) The maximum number of guests staying at the resort shall be 35. Any occupancy greater than 35 shall require a new land use permit.
3) Any lighting installed at the resort shall be directed downward and inward.
4) All construction shall comply with the 2003 IBC for all building construction.
5) Copy of the revised well permit prior to issuance of the well permit itself.

Todd Leahy said they planned for a second cabin on the property. They have owned the property for 6 years.

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 a second unit or for a Resort on the property with the 5 conditions as recommended by staff and adding number the 5th one – "additional well permit to allow for use on the second cabin" prior to the issuance of this Special Use Permit.

In favor: Houpt – aye Martin – aye McCown - aye

COUNTY MANAGER UPDATE – ED GREEN

- ***Multi-county request for DOLA funds for Tamarisk efforts – Steve Anthony***

Steve Anthony, Don DeFord, Carolyn Dahlgren and Chris Trease were present. Steve Anthony presented the DOLA request from the Tamarisk Coalition saying this is a non-profit organization located in Grand Junction that provides technical assistance, education, and coordinating efforts to numerous state, federal, and local agencies, private organizations and landowners to begin the task of restoring riparian lands in the western United States.

The Tamarisk Coalition is requesting Garfield County's participation in seeking a Department of Local Affairs Energy and Mineral Impact Assistance grant in the amount of $95,000. The DOLA request would be on behalf of the Counties of Garfield, Delta, Delores, Mesa, Montrose and Montezuma.

Cash match of $10,000 is requested.

At this time Mesa has committed to $10,000, Delta $5000, Colorado River Water Conservation District $10,000, Williams Energy $3,000, The Nature Conservancy $1500.

Steve submitted the budget and requested that the Chairman be authorized to sign the DOLA application.

Discussion was held with regard to the plan. Some hesitancy was noted on DOLA providing funds for identification, rehabilitation planning and mapping, identifying the areas that need it most and additional resources that will affect the plan.

Commissioner McCown had a concern that DOLA doesn't like to award grants to soft contracts such as a planning type of a grant. Moffatt has 3 before the board the last grant cycle; the Board recommended partial funding but DOLA came back as zero. This issue has been looked at, planned and mapped for years. I would like to see this $95,000 go to herbicide and destroying it. They agreed it is a heavy manpower labor intensive project.

Commissioner Houpt felt there was a greater chance of getting funds if we have a plan in place.

Chris – Planning and implementation are always factors in getting funding. The political question of a soft grant in the DOLA, we have had very encouraging conversation and this will be out of the cycle and not before the decision board.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to support this grant and submit $10,000 for this planning grant for Tamarisk.

Don asked if we needed an IGA before this was funded.

Commissioner Houpt stated that the IGA would be included in the motion after the DOLA Grant is submitted but before we sign it.

Commissioner McCown – agreed.

In favor: Houpt – aye Martin – aye McCown - aye

- ***Division of Youth Services Agreement – Guy Meyer***

Guy Meyer submitted the Garfield County Community Corrections Male Residential Facility process and Illegal Alien Certification as required under the provisions of CRS statutes and requested approval. Guy said he was okay with the County Attorney comments.

Don suggested that we sign this verification

Commissioner Mccown – so moved. Commissioner Houpt seconded.

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

Disbursement on Mineral Severance Funds – Patsy Hernandez

Don explained the legal problem and handed out the legal information. Neither Ed nor Patsy was present.

The Board took no action on the direction of where to put these funds.

Don asked Georgia to be present. His understanding is that this money is in severance tax line item general fund and it can be transferred.

Georgia – I deposited the money in the Alpine Bank – all of our money earns interest. The line item I credited is the line item listed on this memo, general fund, the top one that the $120,000 that you all want in there. This is called the Mineral Severance Tax. There were two separate line items, but the $2,410,976.97 is in that mineral – general fund – 195-334-265 and the $930,099.71, I would have to verify the line item it was put in but general fund I'm pretty sure.

Commissioner McCown – right now they're both in the general fund.

Chairman Martin – they are both in there collecting interest and that's what we're interested in. No urgency today. Have a discussion next week.

Georgia – I would encourage that when you make that transfer that it is clear that it meets the statutory requirement of the use of the mineral severance tax monies.

- ***Permission to set up weigh stations on County Roads – CDT – Marvin Stephens***

Marvin presented a letter for signature of the Board to grant approval for the Motor Carrier Division of C-DOT to set up and maintain weight and inspection stations on the rights-of-ways of Garfield County roads.

These are spot checks and will have their portable scales – they alternate the roads they monitor.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the agreement to allow CDOT to set up weigh stations on County Roads.

In favor: Houpt – aye Martin – aye McCown - aye

County Road 342 – Chairman Martin – we put mag chloride and gravel on this road; however to complete the project and put gravel on the road at a cost of $36,785.00 to finish the entire project, we stopped because we had only budgeted $387,000 for that project. Discuss or defer until next year on priorities during budget. This would come out of Road and Bridge funds. Jesse stated this was already in next year's budget. We stopped 9/10's of a mile short.
Commissioner McCown preferred to defer this until next year since it is budgeted. Nothing short of the County line will ever to adequate.
Chairman Martin would like Marvin to look at it, discuss it again and bring it back.

Letter from Sue Rogers – Dry Park – Sue asked not to pave the road. Chairman Martin thanked Marvin for making the arrangements.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice - Counties on interest on severance mineral and a personnel 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 – last week the report was released on the Roan Plateau Plan and now there is a 30-day review period to protest. CMC and the City on the Travelers – not in the immediate future but need to work out some immediate concerns in supplying services to disabled and also to look at what the Traveler needs to look like in the future. Raised a lot of questions and types of partnerships to look at. Denver, CCI meeting last Friday – Legislation issues on land use. This week, I-70 Coalition on Thursday.
Commissioner McCown – Activity on Wednesday, meeting with Williams Energy, 10 acre spacing application before OGCCG on the south side in Rulison; Wed – 9 – 12 there will be a discussion with Oil and Gas on man camps and employee housing, and at 1:00 pm in Parachute – CDOT regarding the Parachute Interchange. Thursday – Event Center – BLM Plan Amendment – 4 p.m. – 7 p.m. Associated Governments – 10 -12 in Hayden and 2 – 4 Club 20 Oil shale task force in Meeker on amendments to Club 20 position paper.
Chairman Martin – BLM and Roan Plateau on Thursday – fairly detailed, innovative and expanded their plan. Not everyone is happy with the outcome. Friday – CCI Legislative meetings.
Jesse – invitation to Attend a Colorado Energy Forum – Beaver Creek this Saturday focusing on gas production in Western Garfield County. Jesse will attend. Educational forum on surface use agreements and presenting – Human Services – Thursday 6 pm. Fair Board meeting tomorrow night.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Authorize the Chairman to sign the Resolution of approval for the Preliminary Plan Application for the Mahan Subdivision. Applicant: Mahan Properties – Fred Jarman

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – e omitting b and c. Motion carried.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

SEPTEMBER 18, 2006
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 18, 2006 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

- ***Consider Applicants for the Library Board***

Ed submitted the following names that have applied to serve on the Library Board: Gerry Vanderbeck and Linda Levy.
Chairman Martin had other calls from individuals who wanted to be on the Board. The issue of citizenship needs to be clarified.
Don DeFord responded to the question – he suspected the answer would be yes they need to be here legally.
Clarification – non-citizen – can they be on the board.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Linda Levy and hold the other applicant until counsel answers the question posed.

Chairman Martin wanted to have that answered.

Don – the first question is do you need to be a citizen of the United States or can a person be here legally and serve on the Board.

In favor: Houpt – aye Martin – aye McCown - aye

- ***Bond Release for Kinder Morgan – Mike VanderPol***

Mike submitted the satisfaction of permit and release of security for Kinder Morgan Retail Energy Services Company who has a bond to use overweight vehicles on our county roads. This is a request to release the Travelers Casualty & Surety Company of America under bond number 104734791. They have checked the road and there are no problems.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize R & B to release the bond to Kinder Morgan Retail Energy Services Company.

In favor: Houpt – aye Martin – aye McCown - aye

- ***Williams Production Addition Request – Jake Mall***

Jake Mall, Marvin Stephens, Jimmy Smith and Cody Smith presented a letter from Williams requesting for an addition to install three pipelines in a single trench within the County ROW along CR 300 (Parachute Una Road). A landowner that Williams made an agreement with has decided not to allow this section of pipeline on his property. Williams will submit an updated certified traffic control plan to include this section of pipeline to Garfield County Road & Bridge Department. The project will start October 2006 and to be completed before the frost season. Due to the asphalt constraints the paving may have to take place in 2007 with necessary road repairs made in 2006.

Jake read into the record the standard provision for pipelines. He recommended approval.

Marvin commented that it was doubtful that it would be asphalted this fall but it will be next spring. He is comfortable about the project. There isn't a high traffic count, mostly oil and gas traffic. If the weather gets too bad, the project will be shut down.

Jake said they have promised to bring the road to winter conditions.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the extension of the Williams Pipeline 2709 feet in our right of way with conditions as included by the Road and Bridge.

In favor: Houpt – aye Martin – aye McCown - aye

- ***Landfill Inspection – Marvin Stephens***

Kraig Kuberry and Marvin Stephens were present to present the West Garfield County Landfill report where the inspection findings were that "no violations were observed, the facility was neat and orderly, and not all records are maintained on site." Donna Stoner, Environmental Protection Specialist did the inspection.

Marvin said these are tough inspections and he is real proud of Kraig and his staff in keeping us in compliance.

Commissioner McCown – a suggestion to come up with a means to expand our Earth Day to not condense it to one day and the ability of staff but to allow anyone to go one time per year – monitoring – credit card reader so that we can read their driver's license and acknowledge that they've been there.. This would alleviate both staff and the public.

Kraig mentioned there were a lot of citizens that didn't get in because of the line of traffic.

Everyone agreed it was an excellent idea.

Jesse asked if it was possible to petition the state to allow to go back on last year's fees that were collected on that day, add an appreciation value to that and just let them go in as a fixed amount and not stop traffic and charge them.

Marvin – even then the amount of traffic creates a safety issue.

Commissioner McCown – keep the system in place but make it more convenient for the citizens and have it a year round program.

Ed will work on this concept.

Commissioner McCown acknowledged the good work of the staff.

- ***Discussion of Informational Meeting on Gravel Pits – Fred Jarman***

Fred provided the update and handed out information regarding the upcoming meeting.

The DOW hasn't committed yet to attend.

A meeting was held here explaining the issues and challenges that we are presented with the gravel extraction and from that meeting Fred put together a larger educational form for this meeting to be held on Monday, the 25th from 8:00 a.m. to noon in this room that is focused on gaining information and poll the major agencies into the one room and discuss what the regulations are, what their jurisdiction is, what the regulations they have and how they mix with other jurisdictions whether it be local, state or federal and then what enforcement ability do they have with their own regulations, then from that, the County would make the next step in seeing where they would like to go with what they've learned. What I've handed out to you is just a quick agenda is the what, when, where, and why for this meeting and then the participants who have a hand in regulating gravel extraction have been called and have a confirmation on someone in the planning staff from Routt County. This will be a facilitated meeting, professional and the idea being that each presenter will present a 15 minute power point presentation that is readable enough to be able to pick it up on TV and this will be televised so people who can't come can catch it on TV if they have access. A 15 minute question and answer period will follow each presentation. Fred will give a presentation on the county's perspective and then those particularly invited are the decision makers in the County as well to be better informed as to this fairly significant industry.

Jim Rada is assisting Fred on this.

- ***Contract Extension – Secretarial Services at the Airport – Dale Hancock***

Dale submitted an amendment No.1 to the purchase of professional services agreement recurring or as-needed services for Samson Secretarial Services that began on April 3, 2006 and terminates on December 31, 2006. Brian Condie has advised the County Manager of a need to increase the compensation under said agreement beyond the signature authority of the County Manager increasing the compensation/appropriation from $9,999 to $16,999.

Brian under estimated the time that Janet is providing to the Airport and asked the authority for the Chair to not to exceed $6500.

Don – there is an existing agreement that went to the threshold for the County Attorney and a desire to increase the amount of compensation. The amount is $16,999. During this fiscal year it exceeds the amount Ed can approve.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the purchase to extent the amount of compensation from $9,999 to $16,999.

In favor: Houpt – aye Martin – aye McCown - aye

- ***Request to direct County Treasurer to Release Funds to RFTA pursuant to Resolution 05-95***

  Georgia Chamberlain presented. This will be a recurring event.

  Dan Blankenship submitted a letter to the Board requesting the Garfield County Treasurer's Office pursuant to Resolution 05-95 release the $12,750 in funds that have been collected as of 8-31-2006 pursuant to the terms of Resolution 1999-068, paragraph VI.

  RFTA is requesting these funds and plans to use them for bus stop improvements near the turn off to CMC from Highway 82.

  Commissioner Houpt – it sounds like an administrative matter.

  Commissioner McCown – prefers this to be on the consent agenda in order for the commissioners to be knowledgeable of the specifics.

  Don suggested a spread sheet to be submitted.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to get some type of blip on the agenda every month that would show what the amount of transfer is and then maybe annually from RFTA present us with a spread sheet that would show the amount of funds expended and the amount they've drawn from the tax and that includes the release of the $12,750.

Commissioner McCown – Georgia, you don't have to wait on approval from this Board in the future, we just want to see how much is going out.

Ed confirmed that this would make more sense to be on the Consent Agenda. The Board agreed.

Commissioner McCown – this can be done monthly until we tell you not to. We just want to know how much is going out every month and that will be on the consent agenda.

Georgia – and you all will send a request to RFTA for this annual expenditure report.

Board agreed.

In favor: Houpt – aye Martin – aye McCown - aye

Request from Chip Taylor to BOCC

A representative of the Commissioners and Don DeFord to participate in offering testimony regarding the tax incremental funding tax force to convene at the JBC building 9-27-2006 at 9:30 a.m.

This is in reference to the TIF Legislation and the clarification of this statute and it has come that they are going to hear this finally and its very important that Don and a representative of County needs to be there. This is a conflict because of the Story project up in Sweetwater that we need to have. We need to live up to our request to get someone to that JBC meeting inquiry. Jesse was suggested and CMC will offer testimony along with Larimer County, Boulder and CML. John Deer will offer testimony from CMC.

Chairman Martin offered to attend this meeting. Don, John and Jesse to the JBC and Carolyn to the Story property.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice - legal guidance on the Child Advocacy letter and a personnel matter to discuss.

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:

Don asked the Board to take action regarding enforcement of your contract rights concerning the maintenance and reconstruction of County Roads, specifically as those regard to the Town of Silt.

Commissioner McCown – so moved. Commissioner Houpt – seconded.

In favor: Houpt – aye Martin – aye McCown - aye

Discussion/Consideration of Kmart Corporation

Georgia Chamberlain and Don DeFord were present.

Kmart Corporation filed on January 22, 2004 a voluntary petition in the US Bankruptcy Court under Chapter 11 and has continued to operate their business. Garfield County is owed for personal property taxes in the amount of $7,824.32 and an agreement has been reached to settle the amount to a reduced claim of $1,956.08. The agreement was presented for the authorization of the Chair to sign.

This was brought to the Board and is really an operation of the Treasurer and not the County Commissioners but if there's a claim against the treasurer for any action she takes in regard to the payment of taxes and the Commissioners are the ones who have to answer monetary amount of that. We have verified in this case, Georgia and I that a claim could have been submitted but was not which would have given us some priority in this matter and some notice. This occurred several years ago, about 5 years ago. At this point, both the judgment that Georgia and I have made is all or better served

at this point by accepting this amount than trying to asset a claim for taxes that probably, almost certainly cannot be sustained. And frankly would have to be sustained in a bankruptcy court in Houston which seems like a defeating proposition at this point. So our recommendation is that you authorize Georgia to go forward and execute the acknowledgement that K-Mart's requesting accepting what you can and then distributing pro-rata basis to the taxing entities the amount that we receive from K-Mart. Georgia may want to speak to the actual tax amounts versus the amount that they offered.

Commissioner McCown – what is the current status of the bankruptcy?

Don – it's a Chapter 11, the plan has been entered and approved two years ago. So this is well down the road. K-mart received notice of tax claim for past taxes due and then sent us an acknowledgement that they agreed to pay some pursuant to the approved plan. That's what I meant about a defeating proposition Larry, we'd have to go back and challenge the approved plan and reorganization to obtain the full taxes and as you could imagine we're not real high on the list of creditors, it's K-Mart Corporation on a nation-wide basis.

Georgia – I had that the taxes are more like $10,650 versus the $7,824 that they're proposing to pay.

Commissioner McCown – but they're proposing to pay $1956.00.

Georgia agreed.

Commissioner McCown – so they owe $10,000

Georgia – that's with interest.

Commissioner McCown - and they're proposing to pay $1900.

Commissioner McCown – on the advice of the County Attorney and Treasurer, I would make a motion that we accept the reduction in the amount of tax due in the claim in the bankruptcy court regarding K-Mart and that the Chair be authorized to sign.

Commissioner Houpt – added that she would really like because the remittance coupon has the same number that Georgia stated, the $10,507 and I'd really like their to be a correction so that they understand what they're actual amount due was instead of the $7800.

Georgia – they're showing that as the base, but what I quoted was the base plus interest.

Commissioner McCown – they're not showing the interest on it.

Commissioner Houpt – I know – I'd like that to be acknowledged.

Georgia – you'd like to acknowledge the interest involved.

Commissioner Houpt – and I'll second Larry's motion.

Commissioner McCown agreed to add this to the motion.

In favor: Houpt – aye Martin – aye McCown - aye

b. ***Consideration of Resolutions establishing a Solid Waste Disposal Fund, Motor Pool Fund, and the Oil and Gas Mitigation Fund***

Don and Patsy presented.

Don submitted drafts of Resolutions prepared to have control of the fiscal affairs of Garfield County with various funds to assist in the administration of the County.

All are established under Title 29 and as long as the Bocc specifies and directs in s 9-09-19 -

Solid Waste Disposal Fund

The Board has specified that they desire to establish the Garfield County Solid Waste Disposal Fund for the purpose of the receipt and expenditure of certain specifically designated monies to be used to account for the fees and expenses of the County at the state approved disposal site for solid waste.

Don – we're attempting to specify this as an enterprise fund. Tabor has two specific requirements: 1) no more than 10% of revenue from grants, and 2) enterprise must have its own bonding capacity. Garfield County Revenue Bonds – the language of the Resolution Patsy explained in detail.

This would be the sole source of income for the landfill.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to sign a Resolution in final form to establish the Solid Waste Disposal Fund.

In favor: Houpt – aye Martin – aye McCown - aye

Motor Pool Fund

The Board has specified that they desire to establish the Garfield County Motor Pool Fund for the purposes of the receipt and expenditure of certain specifically designated monies to be used to provide motor vehicles for the use of all staff members of Garfield County.

Pasty stated this has been on-going for the last several years and this is a formal establishment of the fund in the manner in which it is operating.

Ed – money available before the equipment wears out.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign a Resolution in final form to establish the Motor Pool Fund.

In favor: Houpt – aye Martin – aye McCown - aye

Oil and Gas Mitigation Fund

The Board has specified that they desire to establish the Garfield County Oil and Gas Mitigation Fund for the purpose of the receipt and expenditure of certain specifically designated monies to be used to mitigate adverse property, social and environmental impacts of oil and gas related activities.

The funds will be established from property taxes designated for that purpose, all grants and donations specifically designated for the purpose of off-setting adverse property social and environmental impacts of oil and gas related activities, mineral severance tax revenue as designated by official action of the Board of County Commissioners, federal mineral lease payments as designated by an official action and all royalties and Garfield County mineral lease payments received by the Commissioners.

Patsy proposing this to be set up as a special revenue fund for specific issues. The idea is that it would build up and the Board would direct funds go into this and more readily track it. It will assist in directing expenses for oil and gas issues and if at some time the oil and gas funds would cease, there would be funds for impacts.

Commissioner Houpt – like to develop this more and better understand what mitigating this means – talking about additional support for the Sheriff, the Human Services, roads, etc.

Ed – a soft landing in case the oil and gas goes away.

Commissioner Houpt – this leaves me with the impression that we're going to be following the industry around mitigating their impact with public funds and I'd rather see this be better defined, and I love the idea, I think it's fabulous. Can we bring this back and all of us work on recommendations for this fund as well?

Ed – what Patsy and I were intending to do was to actually carve out money in the budget when we present it to you in October 12th – you don't have to have this finalized – the budget is just the paperwork.

Chairman Martin – has some rewording and thanked Tresi for the comment that it's a good idea because we've been working on it for quite some time. The definition of authorization of payments and just a little bit off in reference to the support and what we'd like to reiterate the reducing of that environmental and social effects of oil and gas as well – those would be the programs that we would have which is under the Department of Health, Health and Human Services etc. The other one is the construction of infrastructure to address the oil and gas impacts above and beyond again what the companies are doing or are within our strategic plan whatever. This is money we can set aside, use for the future, and the other one is the creation of programs to mediate the oil and gas production activities and the impacts for the different folks and the third one of course is to continue the benefits of the staff we have in oil and gas liaison and anything that goes along with that – the programs albeit the Energy Advisory Board and on and on – this is to be able to put this fund aside and to save up as much as we can, as Ed said and to soften the fall when it goes out or decreases. This is just again for future use and not to put into new programs, to create something else, this is to take care of the future. We have the revenue coming in now and we need to plan for that.

Commissioner Houpt – then it's quite different from what I thought it was. What I thought it was a tracking system in our budget to determine where the monies from oil and gas are going within our County. There's always that big question on how are we spending the tax dollars that come in from the oil and gas production.

Commissioner McCown – well I think you have to look at the amount of revenue generated in our budget and it's probably up around 60 plus percent now of our budget is generated by oil and gas activity. So it would be real easy to say that 60% or whatever that collaborated is figure is, that oil and gas is generating is going to the day to day operations of the County. Everything that goes into the general fund that pays employees, that is where your oil and gas tax money is going because on the ad valorem side of the tax whatever percent that the oil and gas is generating is absorbed and incorporated into the operation of the county.

Ed – next year he projected about $37 million in total in revenues associated from oil and gas.

Commissioner McCown – what I anticipated this being would be the appropriate place for severance tax, federal mineral leasing, we always budget very conservatively on those numbers because they are volatile. Any of that amount of money above what we budgeted for this is where that would go this would be the reserve fund, the rainy day fund. I still see us utilizing the portion of those funds that we budget for I still would support budgeting conservatively because they are volatile. But as far as going into the ad valorem property tax, I think we have to be careful there because those funds are disbursed throughout the county – part to Road and Bridge and part to Health and Human Services, every department in the county is getting those and the increased in revenue goes hand in hand with the increased demand for service that is coming before us, so I don't see us delving deeply into that pot but I think this money that is in excess of what we budgeted on some of our federal tax, mineral leasing, Pilt, those kinds of funds would be the appropriate place.

Commissioner Houpt – but I've heard two different things, are you suggesting that this be a reserve account? That is not what this Resolution says – it also says that it will support the daily operation of the oil and gas liaison office and creation of programs to mitigate oil and gas production activities, so I think we need to have a separate and agrees with Larry that we need to identity the severance taxes, whichever group we want to include in this Resolution and make it specific to a reserve account for the future. This is also two Resolutions, one is operational money and the other is reserve money.

Commissioner McCown – I think the operational budget can be handled through our normal budgeting process with the increase in the ad valorem tax that comes with the increase in activity. Once the activity goes away is there going to be a need for that large a staff to monitor the activity, probably not, so the staff would go away.

Pasty – in the first - motor pool and solid waste disposal, it specific says one of the uses would be for wages of staff that work in those areas; this is not in this Resolution.

Commissioner Houpt – it is.

Don put it in there. Wanted to see if the Board desired to use this fund for that.

Commissioner Houpt – but all of the language that is in the authorized payments paragraph is action language so we're really talking about two different things and I think we just need to go back and rewrite and figure out – if this is a reserve account, that's what it is. I think we also have to make sure that we are putting monies into all of these other categories and what I'm hearing is there is a commitment to do with those general funds.

Don – commented – it goes to both Tresi and Larry's comments about for instance taxes, I did leave in property taxes and taxes the BOCC specifically designate because I view this as an operational fund and if that's not what the Board wants, it is truly a different concept than what's here, for instance, I've also included donations and grants – keeping specifically what I had in mind is in the past, a number of companies have contributed substantial amounts to road improvements designated to go to roads, specific projects, I thought you wanted to use this fund for instance to receive those amounts and then disburse them so you had a tracking on that as well, so that's why its in the revenue source. If that's not what you had in mind, that kind of direction would be helpful so we can bring it back.

Direction – two different things – Commissioner Houpt – important to track that and there is a substantial amount of revenue coming in but we don't stop receiving questions from the public on how funds from the oil and gas industry are being spent and how they're going to mitigate the impact and so how do we do that so it would be best for you to be able to track that information.

Patsy – this could all be carried in the general fund and could direct that each year a designated amount be for oil and gas mitigation efforts. It seems to be day to day operation in Garfield County. Though it was a reserve and it is for the soft-landing, we are saying it is wise to build up a saving account, we can do it in the general fund by designating.

Commissioner McCown – oil shale trust fund did not prohibit day to day operational use. Not so restrictive when this money needs to be put into the operational fund – not when it has to occur, it can occur for that – critical to create a savings account but not cripple future Commissioners and Administration – may not go all to bricks and mortar may have to help Human Services. It may have to come back and go right into the general fund.

Commissioner Houpt – absolutely and just as long as we know that it's not the fund that's going to be used to do the expansion that we need to do of services at this time.

Don answered the question that there is some TABOR restraints when it comes to setting up some type of reserve fund that yes there are.

Commissioner Houpt asked that this come back with different language and asked Don to find out the Tabor restraints.

Pasty – Paul Baucus, lead auditor and Don and Patsy met with Paul and shared opinions. Pasty thought because we are DeBruced that the Tabor restrictions are relative moot.

Don – they are in terms of revenue generation; there's a specific section on holding reserves. It limits us from establishing separate reserve funds – it does limit the amount of contingency reserves you can hold. Don is concerned about it because one thing that Mr. Bruce had concern about was just this issue that taxes would not be reduced in good times and that counties would build up substantial bank accounts when they could be returning that money to the tax payers. That was one of the issues that drove the passage of that Amendment.

Commissioner Houpt – it wasn't a practical position that drove it because we've seen what can happen when the bottom falls out in a County, but I think we need to look at that.

Chairman Martin – agreed we need to work on this and bring it back to the Board.

Jesse – for several years he's been encouraging the board to establish this fund so it is absolutely essential and would like to encourage the Board in the redrafting that they seriously consider including ad valorem taxes as a source of revenue because you may not want to spend all the money you get. This would be a place to park some of that for a run-out soft plan and encouraged not to limit this just to federal mineral leasing and Pilt but also include the consideration of ad valorem taxes.

Ed said he had always envisioned it to be ad valorem taxes. He envisioned putting at least 2 million in this account.

Executive Session

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an executive session. Motion carried.

Potential zoning code violations; potential road litigation; IGA's on road development; Child Advocacy Center, and potentially Affordable Housing and a building and planning issue. Personnel item.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of executive session. Motion carried.

Action:

Don asked the Board to take action regarding enforcement of your contract rights concerning the maintenance and reconstruction of County Roads specifically as in regard to the Town of Silt.

Commissioner McCown – so moved. Commissioner Houpt – seconded.

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

Commissioner Houpt – the Oil and Gas Forum for this Thursday as well and a meeting on Affordable Housing with Catholic Charities on Friday; in Denver on Tues and Wed.

Commissioner McCown –Northwest Oil and Gas Forum, Energy Expo, met with folks from Williams's Energy last Tuesday morning at the Henry Building regarding a 10 acre downhole infill application that will be forthcoming, it is in the area on Taughenbaugh Mesa, just about where the fire occurred, for the most part there will be 160 acres surface spacing, 10 acre downhole and they are planning on applying their new flex rigs to that operation; Wednesday morning we had the man camp discussion at the Fairgrounds; then met with the folks at Parachute and CDOT's o the I-70 Interchange/traffic problems that they're having. Thursday went to the BLM plan amendment at the Fairground Events Center; this week leaving for Missouri and gone until next Monday late.

Commissioner Houpt asked Larry if at the meeting in Parachute were there any discussions on signals or for getting people onto the overpass.

Commissioner McCown – signals were discussed but it was clear that signals would only be a band aid and other action would need to be taken and at this point no one knows the answer so they are proposing looking at a study that was needed and it was undecided and unclear at the time the extent of the study that would be required. It would be driven by the significance of the project so it could turn into a $.5 to $1 million study if it goes to a full blown EIS because we are dealing with the federal highway system, so approval has to go to DC on this and they will drive what kind of study will be done. It was clear and an agreement of everyone if it is signalized it would be a temporary fix. CDOT indicated that Parachute, the elected that was there were the mayor and the mayor Protem and Planner and Engineer for the Town of Parachute and the engineer for a developer – and that's what is driving this. The developer is coming in with a project that will require a change in the access permit to the interstate and CDOT is telling Parachute to deal with it and Parachute doesn't have the funds to deal with it and Parachute's telling the developer to deal with it and the developer is saying we're not going to rebuild the interstate system so life goes on. Traffic backs up every morning on I-70 at the Glenwood interchange, it does not back up at Parachute; it is truly an inconvenience granted, my concern and have voiced that concern at the meeting, is that Garfield

County is going to be very reluctant to participate in the project until after the study is done because we don't know what kind of impacts or affects it will do to our interior roads that feed into those intersections – what level of improvement of these intersections, if they do two bridges over the interstate and another over the railroad tracks and make it 4 lane up to our bridge over the Colorado River, is that going to force us to put in another bridge and a four-lane highway, so I was very reluctant to commit to anything until I see what the study comes up with. Neither entrance to the interstate are county roads – they are clearly city streets and at the west interchange they are outer roads from CDOT, so we're luckily in that respect. We will probably not be the contracting entity.
Chairman Martin – was the apple pie judge at the Apple Pie Days for Rifle. It went well – good PR, it was windy and rainy and it was held in an area that was inconvenience for the general public; there was not a great deal of attendance for their auction and fundraiser but hopefully they will look at downtown and a better location. It was held at Deerfield Park and sparsely attended.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Dalbo, Inc. – Authorize the Chairman to sign the Resolution of Approval for Special Use Permit for the expansion of storage of vacuum trucks frac tanks, and office and maintenance shop, a truck wash facility, lp tank, and the storage of potassium chloride. Applicant: Dalbo, Inc. – Fred Jarman
f. Aspen Glen - Filing 1, Lot D-21 – Authorize the Chairman to sign the First Amended final Plat – Mark Bean

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – f absent items b & c; carried.

REGULAR AGENDA
HUMAN SERVICES COMMISSION – YOUTH SERVICES – DEB WILDE
Deb provided the information. This is a report on youth and there are four areas to update the Board. Senate Bill 94 and what is happening in Parachute and kids; Youthzone and collaborative effort regarding Truancy which is making national news all around the country.

Youthzone – collaboration within the county is very strong and it is working well all across the County. Some of the response with local governments with money with all the huge cuts has been huge and community support.
Senate Bill 94 is State Legislation that has to do with our kids that would be in detention or in beds, committed kids, etc. and we have for our judicial district an allotment of beds, a detention cap – one change was we were reduced by one bed starting this July so we now have 6 beds for the whole district and for the last couple of months we've been borrowing beds which means you have to have an emergency release plans if you have more kids than 6 that come into that and/or you can borrow beds if someone has any open, etc. and this is keeping busy them in that program. Young people in there are in need of high level services and have been through the funnel we've created in our communities which is good. If we didn't have that we would really be having problems at the upper end of those things. Some we are seeing are just moving here –but it is all across the county and all across various occupations. One of the things that's having an extreme impact on the length of stay because in order to have a bed open somebody's got to move out, is when private attorneys get involved in the due process and some things what's literally happening is because an attorney gets involved, a kids ends up spending more time in a bed for the process rather than they would have if they had severed detention time. 4 cases in Rangley in the last two months and more in Meeker also. The absolute curve is Garfield County.
Parachute in relation to Senate Bill 94 those are the kids in detention, they've commit a crime that gets them there and we're keeping them in the community on ankle bracelet or home detentions or whatever. 7.6% of our total population in this last year of clients resided in Parachute. But 18% of our Senate Bill 94 caseload is from Parachute. It has been a disproportion of the amount and one of the pieces about that is that we do not have the same level of services there, we used to have people at various times in Parachute and serve those kids but we don't have an office there and a proposal to the Town, Kiwanis and EnCana and the school district, police, etc. EAB, we're very interested in responding to that and see a need to have an earlier impact there and some outreach as well because things are going down through the funnel. This is an FYI because eventually what may happen is this kind of question about how can everybody be a part of this and EnCana is willing to be a significant part if there are other players at the table. She needs to be able to fund an office to do it. Parachute – about 1/3 of the kids have 3 or more risk factors which is pretty high on our scale of what we're seeing in comparison with other places. We're dealing with some pretty high-end kids there in comparison. Another interesting thing is that of all children we're serving, approximately 25% live in single parent households but interestingly of the youth that we've served in Parachute, 63% lived in single parent households and 10% live with step-parents and the remaining 27% with both biological parents, but the single parent household piece was really different in Parachute. According to the counselors and case managers it seems to be an increasing piece of parents in corrections. Also find that fees are charged but only about 69% of the fees get paid in Parachute and Youthzone funds the rest of that. This is an indicator of what we're seeing with some of our stats.

Debbie would need to address this in Parachute in fiscal year 2007 for an office.
Ed stated they distributed $408,000 from the human services grant money and originally projected and adjusted to $462,000 and has been adjusted upward to $494,000 so the intend is for the committee to re-convene in early spring to consider other needs, so Ed recommended that suggested Debbie apply.

Deb - EnCana doesn't want to be the only funder but as long as they knew that other people were interested and were willing to talk, they would start things out so if I can take your willingness to consider this and also take that to the Town it will go a long way to get some of the oil folks started.
Commissioner McCown – all those factors all go in hand to the fact of affordable housing in that area. We can factor in a number of things but that's what it boils down to.
Deb – we end up with kids less involved and our impact could really be big with one staff.
Commissioner McCown – a large percentage of folks commute to this end of the County.
Commissioner Houpt – social impact of growing impact and this is a social need to look closely at – interested in seeing what she has.

Youthzone – things are going well and we're looking at numbers before huge cuts – 1,000 kids per year – a lot more with families and classes – parents can call us early – working well with the DA and update on Diversion – some ½ strength diversion money coming back – one of the places in Senate 94 – warrants for kids that don't complete their UPS. Try to do some case management with county court and will help the court and help us get kids.
Ed – DA on his budget – remains at $40,000.
Deb – they are receiving state money and they are okay. What happened this year was the state didn't get that many request and by the County helping us put us in a nice position.
Some of the things going on at YouthZone include - building training manuals – how to do diversions and also doing our 3-year plan.
Coalition – Thursday 1st of the month and addressing ways to combat the truancy issue; school districts have set down at the table RE 1, RE 2 and District 16 and we are working on a standard way to deal with truancy and be on the same page. Some of those ideas are focusing on parenting etc. and other high indicators such law enforcement of criminal acts and we'll keep working on that. Youthzone is an example about a community who cares about kids and getting things done.

BOARD OF HUMAN SERVICES – APPROVAL OF EBT/EFT DISBURSEMENTS FOR AUGUST 2006

Lynn submitted the client and provider disbursements for allocated programs total $382,149.20. Lynn requested the Board approve these expenditures.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the client and provider disbursements for allocated programs totals $382,149.20 and the Chair be authorized to sign.

In favor: Houpt – aye Martin – aye McCown - aye

CONSIDERATION AND APPROVAL OF PLACEMENT CONTRACTS

Lynn presented the following out of home placement agreements:
House Bill 1343 – language not correct.
Need to ask for direction and get signature approval and then bring them back.
V488167 El Pueblo Boys and Girl's Ranch $41,209 (not to exceed).
Y728404 Children's Ark $39,807.30 (not to exceed)
T794442 Griffith Center's for Children $57,461.04 (not to exceed)

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the out of home placement contracts - V488167 El Pueblo Boys and Girl's Ranch $41,209 (not to exceed); Y728404 Children's Ark $39,807.30 (not to exceed); T794442 Griffith Center's for Children $57,461.04 (not to exceed) and the Chair be authorized to sign upon approval of the County Attorney.

In favor: Houpt – aye Martin – aye McCown - aye

STATE FISCAL YEAR FINANCIAL CLOSE OUT/ALLOCATION DISCUSSION

A report was submitted summarizing the Department's fiscal close-out for SFY 06 by program area. Lynn also submitted the report outlining SFY 07 preliminary figures and discussion was held.

Preliminary allocation for 06 are very positive.
CBM implementation – revenue line has gone away. CBM not mitigated completely.
Preliminary allocation – county administration increased dramatically. We are over expended but we are going to see a 26.5% increase. House Bill – DSS and Policy and Financing – allocation from each group and not sure how this will affect the utilization of dollars but hopefully it will work out.
Colorado Works saw a decrease – under expended for several years.
Fund Balance - $2.7 million. Placement costs are not a huge hit but probably not too significant – next year she is concerned.
Ed – program a bit more to stabilize the fund balance for next year.
Increase in staffing for human services next year.
Quick items – October 4 and 5 – symposia with the employers and employees and they will provide information on child care and child support – EnCana sponsoring that and it will be well attended.

Prevention policy board – discussed last month – with Colorado Prevention with the state $110,000 primary goal is to get this in place and the group would like one BOCC to be a member. Going to a couple of meetings and getting information as to the data and information the specialist is bringing and how to deal policy wise – involves 3 – 4 meetings. Commissioner Houpt volunteered and the Board accepted her offer.

CHILD CARE QUALITY AND LICENSING PRESENTATION

Dana Damm and Ericka Meade with the Department's Child Care (Quality and Licensing) program provided a brief presentation including the Early Childhood Social and Emotional Intervention project.

The program has three areas of focus: Recruitment, Retention and Enhancing Quality. There are about 64 homes in Garfield County and 6 more pending and about 30 centers. The retention piece is more difficult than the recruitment. Seems like we always get calls of people who are interested in starting sometimes a center but a lot of times a child care home but retaining the ones we have sometimes is difficult. We continue to work at that and retain their business. All three of us are available and

accessible to all of those providers and that helps. Consulting the other ladies to is also important. The activities we do to enhance quality also help to retain them in the business as well. We have the resource van like a lending library on wheels, equipment and books and any kind of materials that providers need and we loan it and then pick it up and they can check out something else. We will have $47,000 in grant money to offer to providers, we sent out the applications and they can used for provider trainings and scholarships, licensing requirements, equipment, materials, and then all centers are required to have a nurse consultant to come in once a month to give trainings and we are going to allow them to use the money for their nurse consultant at this time. We are going to require from them that they remain in business for at least 6 months and agree to a pre and post environmental rating scale and that they agree to have at least 10 hours of consulting and mentoring. The environment rating is an assessment tool that defines quality in child care settings and it's based on 6 different areas: space and furnishing, basic care, language and reasoning, learning activities, social development and the adult need. It shows more the provider what they are doing correctly rather than what they are not doing correctly. A lot of trainings have been on-going collaborating with other resources in the valley and they are bringing in outside resources as well.

Ericka's program – manuals were passed out for child care providers. Concentrating on birth to 5 years old. Identified the need for this program through a national study and have seen a high rate of turnover and providers are reporting a higher level of aggression and are asking for help. They go into schools and conduct an early childhood assessment, a strength based program and as behavior is improved aggression goes down.

CONSIDERATION AND APPROVAL OF THE TRI-COUNTY CHILD CARE LICENSING MEMORANDUM OF UNDERSTANDING

The State of Colorado has awarded the Department $20,993 during State Fiscal Year 06-07 to provide child care licensing services to family day care homes in Garfield, Pitkin, and Eagle Counties. An MOU was submitted for the Board's review.

Lynn requested consideration and approval of the Tri-County Memorandum of Understanding with Pitkin County for $2,004. And Eagle County of $12,026. This formula is based on the number of licensed homes in each county.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Tri-County Child Care Licensing Memorandum of Understanding as presented and authorize the Chair to sign.

In favor: Houpt – aye Martin – aye McCown - aye

PROGRAM UPDATES

Lynn submitted these reports in the packet of information.

BOARD OF HEALTH

Mary Meisner and Jim Rada were present.

CDPHE CONTRACT MATERNAL & CHILD HELATH TASK ORDER

Mary Meisner submitted the Task order PSD-MCH dated the 6th of September 2006 through the Health and Human Services, Maternal and Child Health Services Block Grant awarded the State Title V federal funds in the sum of $18,159.00 and the State Genetics Implementation Grant of 3,474.00.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Health and Human Services, Maternal and Child Health Services Block Grant awarded the State Title V federal funds in with the Colorado Department of Public Health in the amount of $21,633.00 authorize the chair to sign.

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

These are dollars for our special needs clinics for cardiology, neurology also our traumatic brain injury case management dollars as well.

IMMUNIZATION SERVICES AGREEMENT ROCKY MOUNTAIN HEALTH AND ALLOWS BILLING FOR IMMUNICATIONS

Mary submitted the Immunization Services Agreement and this agreement allows us to bill for our flu vaccinations and it is an update, we have had a contract with them before and requested signature approval.

Don commented regarding the email from Carolyn, Carolyn indicated that she had reviewed the agreement and some changes in a couple of the provisions need to be made, one is that we don't maintain a statutory county health department so the alterations need to be made to the fact that we operate as a Board of Health. They have also set insurance levels in excess of what we maintain and will need to be altered. The Board would have to accept some provisions that aren't standard practice but we've seen it before, there's an indemnify clause that is a one-way street for the benefit of Rocky Mtn Health needs to operate to the benefit of both and needs to be limited under Tabor to apply to only those situations where under law we can indemnity which is really for the employees, there's an arbitration provision in the contract that we must either accept or not and finally the venue lies in Mesa County, not Garfield County.

Mary asked to continue these discussions and bring it back in October.

Don – some of the provisions they have to alter or we can't do it – this might be a difficult contract and will come back the first meeting in October.

We ask the clients to pay for the flu and then send it to them – this is another option.

Tabled until October 2nd meeting of the Board.

OUT OF STATE TRAVEL REQUEST

Two employees Sara Hartert and Laura Little are being requested to travel and there is grant money to pay for the travel.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the out of state travel for both Sara Hartert and Laura Little.

In favor: Houpt – aye Martin – aye McCown - aye

ENVIRONMENTAL PROGRAM UPDATE
Jim Rada
Air Monitoring Results – passed out the data for the Air Monitoring Study – one year into it and the data doesn't show anything too worrisome – the study indicates we are staying steady and summer months have calmed down in high spikes. Jim included some information in his reports.

VOC Monitoring Results – comparative with VOC monitoring data. One table is the table of detected compounds – June of last year through this year – pointed out – consistent as to what we are detecting – and as time has gone on – for the most part – 24 hour samples have declined and seeing lower levels. **This points out – as a response to odor issues finding the same compounds in those samples.** A number of odor issues and continuing to encourage people to use the samples when noticed odors.

Jim pointed out that these are what he expected. Natural gas and auto exhaust and expect to see those in our air. Hopefully the next report will show gas fields compared to the cities.
Commissioner Houpt asked about any precautions that people should take.
Jim – typically these are very low – had one benzene at a reading of less than 1 part per million, individuals might have a greater potential of having an illness or on a 24/7 days of occupational exposures. My initial look at this data was that it was not creating a much greater risk for illness on these levels. The human detection levels are extremely low and a nuisance. On the bottom line it doesn't appear a greater risk of illness. You will hear about eye irritants and are getting data to help get us closer to data that would determine this.

Ozone monitoring is over, we collaborated with White River National Forest and hopes to spent time in December with Andrea Holland Sears to share the data and the report that should be done in December on how we stand in Garfield County and how it relates to what is going on in the forest in the Class I wilderness areas.

Reported with Ed's approval he has submitted a petition for party status to participate in the Regulation Revision – Reg. 7 which is a VOC emissions regulations in Colorado – there is a specific regulation being proposed for rule making in November that will deal emissions from the oil and gas industry. Jim has been asked to participate so that Garfield County could be an active player in this particular regulation. We will be able to attend meetings and get a thorough understanding and be able to provide our input should we desire to any changes to the regulation. Jim shared a piece of information in one section of the revision deals with emissions from condensate tanks and the State Health Department did a very cursory review of the stationary source permit data for Garfield County – there are 207 condensate tanks permitted in the County with a total estimated VOC emissions or 4706 tons per year. Within that group there are 59 tanks or tank batteries that emit over 20 tons per year with an estimated VOC emission of 2282 tons per year so almost half of our VOC emissions from the permitted condensate tank batteries in the county come from tank batteries that are permitted for 20 tons or greater per year and those are the tanks that this regulation revision is really attacking. So by the beginning of May 2008 any tank battery that emits over 20 tons per year will be required by the current draft of the regulation to install emission control equipment that will reduce emissions by 95%. In addition to that, any new condensate tank batteries installed after April 30th would be required to put emission control equipment on at least for the first 90 days of operation after production begins until they can prove that their emissions are less than 20 tons per year, then they would have the opportunity to remove the emission control equipment. So statewide there's a 152 condensate tank batteries, so we about 1/3 of those that this would affect across the state that are not n the early action compact area which is the Front Range from Denver up to Weld County. Jim asked for the opportunity to learn with the Board on the 16th & 17th of November 2006 at the rule making event.
Don –asked if he submitted a petition. Jim said yes. Don indicated that the Board needs to ratify that since it's on behalf of Garfield County.
Commissioner McCown – so moved; Commissioner Houpt – seconded.
In favor: Houpt – aye Martin – aye McCown - aye

Air quality monitoring and on line reports: In response to public Jim said he has initiated some conservation with Rob Hykys, Brian Sholten and Buzz to begin looking at how we can put our air quality data on line in a user-friendly way so folks can understand what we're seeing and be a little more participant in that.
Commissioner McCown – when you put these findings on line, would you please accompany then with comments to let folks know what these relevant levels may mean. Someone may see a 540 part per million number and go postal if they aren't aware of what that really means to them.
Jim will put a qualifying page in advance and someone will have to pass through that to make sure everyone is informed.

Demonstration project with Ray's Systems, manufacture gas detection equipment. They have some new equipment that reads VOC's down to parts per billion levels and that equipment can be networked to be able to transmit to a central receiver and computer system by an internet connection but it might help us to understand more about what goes on in localized areas. This might serve the purpose of having some mobile monitoring equipment without having to buy hugely technical enlarged pieces of equipment that would have to be hauled around on trailers. This type of equipment is it serves useful could be put in a suitcase and hauled around in the back of a vehicle. It looks like technology is improving to where we might be able to get some of the concerns addressed. More information as time goes on and hopefully the project will take place. No date for the demonstration.

Jim – close to receiving air quality inventory and hope to have it within the next several days – target for the end of this year. This will identify sources of pollutants within our community. From there we could use this as a tool and focus on air quality monitoring.

No report on the health risk assessment – we are ½ through on a two year project.
Temporary housing for oil and gas industry – forum to bring industry with County and regulators on issues and have been working with EAB educational for speakers on issues – surface owner rights – next month – regional geology and well water testing and in November the well construction process.
Chairman Martin – wants to monitor waste treatment facilities.
Jim continues to raise those issues with the State Health Department – goes from Rifle to Carbondale – complaints about the new odors. Work with municipalities on treatment facilities.
Jesse said the last COGCC meeting, they indicated that the Colorado Department of Public Health and Environment is re-looking at and re-drafting regulations on air quality and water quality, are you involved in any of that?.
Jim – the only reg revision he is aware of is related to oil and gas is the Reg 7 VOC emissions regulations from the Air Quality Control Commission.
Jesse – COGCC looking at possibly drafting policy statements and decided to back off waiting on these re-writes until next spring.

Directions to staff on Building and Planning Issues – Sanders Ranch and OXY
OXY
Jesse said there was a question, did the Building and Planning Department issue an ISDS permit for the OXY camps.
Mark said they were issued and then when Jim went up and did the inspections we found that they did not install them according to the permit application.
Don – Jim was actually doing the inspections up there.
Mark – not formally but he did do them.
Jim said he was invited by OXY to look at those locations.
Don – was there any inspection done by the Building Department?
Mark – no. Given Jim's background he is probably the more logical person to do that type of inspection for these types of facilities.
Chairman Martin – obviously there will be recommendations coming from Jim back to Mark so we can make a recommendation back to OXY on what they need to be doing.
Mark – OXY has been very distressed on the management level on what was found up there and had some very to the point meetings with the two people that have the camps located up there and their need to come into immediate compliance.
Doug Dennison is upset by this and they've met with the subcontractors and will take action immediately. Doug has indicated corrective action is underway and will be inviting Jim to come back for an inspection. The use has not ceased.
Don suggested to move forward with a cease and desist order together with a code violation letter giving them 30 days to comply and then in terms of building it into compliance, give them 30 days.
Mark will issue that letter.
Bair Chase/Sander's Ranch PUD
Don – Mark initially requested authorization to proceed on revocation on the Sanders Ranch/Bair Chase PUD and asked the Board to provide direction.
Mark's memo was short and to the point and this needs to be in a public arena obviously the Preliminary Plan is no longer valid as the BOCC saw from the attached schedule while they technically have met the beginning dates in one case but not the others, it's obviously they will not be able to come close to meeting their completion dates which are next year.
They are out of compliance with their PUD phasing plan also so there is reason for the Board to revisit this per the section included in his memo of the Zoning Resolution. There may not be a huge objection of the owners of the property, they recognize this.
Commissioner McCown asked if we were doing them a favor by doing this as they may want to look at a different developmental plan.
Mark – this is a good point and the question is every group that has expressed an interest in buying the property and the project has made it clear that they're really not interesting in moving forward with the existing PUD anyway, so anybody buying this property will probably come in and do some kind of an amendment to that PUD be it a complete revision, changing the concept entirely to somebody taking pieces of the PUD as it exists now and converting substantial sections of it to another type of use.
Commissioner Houpt – is there really a reason to go through the process to revoke it if interested parties are planning to come in and amend it?
Mark – no, your regulations say you are supposed to review it, are you obligated, I will defer to Don. We have allowed some PUD's to stay in effect for extended periods of time with no action on them that the Board could have taken. Based on conversations, by the end of the year you will know who owns this property and probably will see some action on their part to do something with the project.
Mark – any amendment is a clean slate and there's no advantage one way or another we will have to deal with an entirely new application regardless of whether we call it an amendment of a new PUD. Mark said it was very legally to move the ground and do the prep work – but not ended up the way they wanted. Now we have a piece of property in a different way. Mark suggested in the future the Board may want to consider is amending your grading permit requirements and requiring security in certain amounts for projects over x number of acres so that you have the ability should we run into this situation with another project to actually go in and do the reclamation if necessary.
Commissioner McCown – because bonding would not have occurred with the final plat, there would have been a subdivision improvement agreement but that would have just ensured the placement of the necessary utilities and amenities and it would not have had a reclamation bond per se.

Mark – we do require some re-seeding.
Commissioner McCown – of course re-seeding.
Mark – on the golf courses we might have had the ability to go back in there and at least reclaimed it a little more than obviously it has been. This is a lesson learned for all of us in terms of dealing with these larger projects and how you want to do deal with them in the future and what kind of security you want to have in place.
Chairman Martin requested a motion to go ahead and schedule a public hearing for this revocation.
Commissioner Houpt – so moved. Commissioner McCown seconded.
Mark will give 30-days notice in advance of this both newspapers and adjacent property owners and posting of the property. This would probably be sometime in November.
Commissioner McCown asked if it would make more sense to wait until the first of the year to see who the new owners will be and let them make the first move and then set a deadline. If we don't see some progress by a date then we'll schedule a hearing.
Mark - The bank that's trying to get the property back has made it very clear that their intent is not to develop the property. They will be selling it to someone else. They won't be able to come into possession of the property until the later part of November because of the way the closure laws work. By the end of the year you may have some idea of whether or not some of the other people who have expressed an interest or the present developer.
Commissioner McCown – the urgency of this hearing is not critical.
Mark – not sure we would solve anything one way or another. They will be starting over regardless.
In favor: Houpt – aye McCown – aye Martin – aye.

PUBLIC MEETINGS:
CONSIDER AN AMENDED PLAT FOR LOT 18, BLUE CREEK SUBDIVISION. APPLICANT IS KOBA, LLC – DAVID PESNICHAK
David Pesnichak, Fred Jarman, Carolyn Dahlgren and Tom Newland of Newland Project Resources, Inc were present.
David submitted the following Exhibits – 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; Exhibit D – Application and Exhibit E - staff memorandum.
Chairman Martin submitted Exhibits A – E into the record.
This is an amended plat application to change the building envelope on Lot 18 of the Blue Creek Subdivision. The purpose of this amendment is to preserve an existing Ponderosa Pine Tree, which is located near the property line between Lot 18 and Lot 17.
Staff Recommendation:
The applicant has provided all required documentation and has satisfied the applicable standards for this plat amendment. Therefore, staff recommends the Baord of County Commissioners 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 Blue Creek Ranch PUD 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.
4) Encroachment of the building envelope into the 50-foot wetland protection buffer shall be no greater than five (5) feet.
5) Once exact construction envelopes have been determined, the applicant shall design, install and monitor resource protection fencing along the envelope boundary. This fencing is to serve as both a silt and erosion barrier as well specific delineator to construction personnel that the area is protected.
6) Documentation must be provided to the Garfield County Building and Planning office prior to the issuance of the building permit indicating that the fence has been installed in a manner that will serve as a silt and erosion barrier as well as delineation between the building envelope and the wetland protection area.
7) Landscaping shall be restricted in the rear of the property abutting the 50-foot wetland buffer area to native grass and herbaceous materials as outlined in the Blue Creek Ranch Homeowners Association Covenants. Proper protocols shall be followed to allow successful establishment of the desired native vegetation.

Tom Newland stated they agree with the staff recommendations and would appreciate the Board approval.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for an amended plat with the 7 conditions as listed by staff.
In favor: Houpt – aye Martin – aye McCown - aye

CONSIDER AN AMENDED PLAT FOR LOT 42, PANORAMA RANCHES – APPLICANT – DERRINGTON – DAVID PESNICHAK
David Pesnichak, Carolyn Dahlgren, and Janver and Khaila Darrington were present.
Exhibits – same as the other one
Exhibit A – Garfield County Zoning Regulation of 1978 as amended; Exhibit B – Garfield County Subdivision Regulations of 1984 as amended; Exhibit C – Garfield County Comp Plan; Exhibit D – application; and Exhibit - E staff memorandum.
This is a request for an amended Plat on Lot 42 of Panorama Ranches Subdivision. The Amended Plat involves a land swap of approximately 0.6 acres between homestead Lot 42 and Panorama Ranches

Open Space Lot 2 as depicted in the submitted maps by Precision Works LLC, revised August 4, 2006. The land swap will not increase the overall size of either Lot 42 or the Panorama Ranches Open Space Lot 2 and will not result in any additional building lots or relocation/addition of any new roads. The Panorama Ranches Homeowners Association (HOA) approved this exchange of land on May 15, 2006.

As a condition of approval the Panorama Ranches HOA has required an access easement to be placed through Lot 42 to connect Elk Ranch Road with the Open Space Lot w.

Staff Recommendation:

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 Panorama Ranches 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 5:22 of the Garfield County Subdivision Regulations.

The applicants said this exchange will benefit the landowners by giving them access to the open space.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amended plat for Lot 42, Panorama Ranches with the 3 conditions of approval as presented by staff.

In favor: Houpt – aye Martin – aye McCown - aye

PUBLIC HEARINGS:

CONSIDER A REQUEST FOR CONDITIONAL USE PERMIT (CUP) FOR A STUDIO FOR THE CONDUCT OF ARTS AND CRAFTS LOCATED AT 17283 STATE HIGHWAY 82.
APPLICANTS: DYLAN BALDERSON AND JACQUELINE SPIRO – MARK BEAN

Mark Bean, Carolyn Dahlgren, Dylan Balderson and Jacqueline Spiro 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 dated September 18, 2006; Exhibit F - Application and supplements; Exhibit G – Letter from the Carbondale & Rural Fire Protection District – September 8, 2006 and Exhibit H – letter from Wayne and Lois Vagneur dated September 13, 2006.

Chairman Martin entered Exhibits A – H into the record.

The Applicant requests approval from the Board for a Conditional Use Permit for a Studio for Conduct of Arts and Crafts to operate a pottery studio. A Studio for Conduct of Arts and Crafts is not defined in the Zoning Resolution, but is a Conditional Use in the A/R/RD zone district and has the following standard to meet in Section 5.03.03 of the Zoning Resolution:

1) The Applicants are professional artists and are requesting approval to operate a "studio for the arts and crafts" on the same property as their single-family dwelling. The studio will be an accessory structure having approximately 1,400 sq. ft., containing two ovens for making their glass art works. The proposed studio would replace a studio that burned down last summer. This is a private, personal studio where the applicants are the sole producing artists. Their art work includes creations in painting, wood, clay and glass. They work approximately 25 hours a week in the studio. The large majority of the art work is on commission and is one of a kind works of art. There is very little traffic, other than their own personal vehicles that access the site. Every few months they have materials delivered to the property. There is no domestic water needed in the operation and drinking water will come from their house that is on the property. Bathroom facilities are also available in the house, so no additional sewage disposal is proposed.

Mark indicated that this studio is to replace the studio that was lost by fire last summer.

SITE DESCRIPTION

The 0.66-acre property is located east of Catherine's Store off of old Highway 82. The lot has the applicant's house on the east side of the lot, with a concrete floor of the previous studio located on the west side of the lot. To the east of the property are six residential lots of similar size and a much larger tract of land surrounding the property to the west and south. Across the old highway from the property are additional dwelling units.

The studio is located adjacent to the single-family dwelling owned and occupied by the Applicant. Water service to the property is provided from water well on the property. The application states that no water is necessary for the use, other than domestic water which will come from the house water system. There is no need for separate sewage treatment for the proposed use. Based on this water usage, Staff finds that there is no need for additional water or sanitation to serve the studio.

Access to the property is provided directly off of old State Highway 82, through existing access points. No additional road improvements are necessary for this project, as traffic is primarily the applicants with a few additional business related vehicles.

The intent of permitting a Studio for the Arts and Crafts in the ARRD zone district primarily characterized by residential and agricultural uses is such that the proposed use does not detract
From those uses and does not create the appearance or impact of a commercial use.

Staff finds that the proposed studio generates minimal impacts, in that, all activities are conducted inside buildings, all materials are to be stored inside buildings, there is no noise, odor, vibration, or smoke generated from the use, no measurable additional traffic is generated, the use has no employees, and no

signage or lighting is proposed.

STAFF RECOMMENDATION
Staff recommends the Board of County Commissioners **APPROVE** the request for a Conditional Use permit to allow a Studio for Arts and Crafts for a property known 17283 Highway 82, 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 Studio for Arts and Crafts.
3. 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.

Applicant: Letters from other neighbors – Exhibit I and J – were submitted.
Mark – fire safety systems for the kilms.
Letter indicates that the fire that started had nothing to do with the kelms; it was from the ballast in the old shop – pipe ballast traveled to the glass shop – a freak accident.
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 the studio for arts and crafts with the 3 conditions noted by
In Favor: Houpt – aye Martin – aye McCown - aye

CONSIDER AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION – APPLICANT – JUDITH DETWEILER – FRED JARMAN
Carolyn Dahlgren, Fred Jarman, Mark Chain Consulting, LLC. and Judith Detweiler 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 - Garfield County Subdivision Regulations of 1984, as amended; Exhibit E –Garfield County Comprehensive Plan of 2000; Exhibit F - Application materials; Exhibit G – Staff Memorandum; and Exhibit H – Email from the County Health Department dated August 23, 2006 and Exhibit I Letter from Mark Chain of request. Chairman Martin entered Exhibits A – I into the record.

Request for a condition from the two adjacent landowners as they has some requests and concerns.
Lorrine Richardson stated the continuance is fine.
William Roach representing his mom and the continuance is fine.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to continue this until the 2nd day of October at 10:15 a.m.
In favor: Houpt – aye McCown – aye Martin - aye

PUBLIC HEARINGS: CONSIDER A SPECIAL USE PERMIT FOR STORAGE/STAGING AREA OF OIL AND GAS EQUIPMENT IN THE RESOURCE LANDS ZONE DISTRICT. APPLICANT – ENCANA OIL AND GAS, USA, INC. – FRED JARMAN
Jimmy Smith and rep from EnCana Oil and Gas, 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 – Garfield County Zoning Regulations of 1978 as amended; Exhibit D – Staff Memorandum, Exhibit E – Application; Exhibit F – Memo from the County Road and Bridge Department dated 8-11-06; and Exhibit G – Letter from the Town of Parachute dated 8-11-2006. Chairman Martin entered Exhibits A – G into the record.

Jimmy Smith requested a continuance until October 9, 2006 at 10:15 a.m.
Commissioner McCown moved to continue this until October 9, 2006 at 10: 15 a.m. Commissioner Houpt seconded; Motion carried.

Executive Session – Personnel Issue
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session to discuss a personnel issue. Motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of an Executive Session and adjourn. Motion carried.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

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 2, 2006 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
Security Cameras for Election 2006
Mildred Alsdorf – Alerted the Commissioners that there was a lawsuit regarding the election equipment and the judge ruled that security devices were needed – cameras in the equipment areas, absentee workers, etc. Current Solutions can provide the equipment but she will need money in the budget for camera and temporary help for the security. This has to be in place before October 20, 2006. – anywhere equipment, absentee workers, etc.
Ed will be working with Mildred and bring back to the Board. We can buy cameras through and use the same security as the Sheriff; cameras already in the building. Building is wired and need these before the election and 30 days after the election.

Human Services Director
Mark Bell, from Pueblo is the new Human Services Director; he was the El Paso HS director and brings a lot of skills and abilities.

Budget Presentation is needed by October 15; scheduled for Friday – October 13th – 9:00 a.m. The meeting for Public Comment will be held November 6, 2006 – Budget Public Hearing on the Budget.
Patsy Hernandez – set date for the adoption in December. December 18, 2006. Mill Levy Certification.
Request for out of state travel – Public Health, Laura Goodwin - training is free and transportation no additional cost
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the out of state travel request for Laura Goodwin in Public Health. In favor: Houpt – aye Martin – aye McCown - aye

COUNTY MANAGER UPDATE – ED GREEN

- ***Visual Lease Services, Inc. Presentation – Ron Sosbee***

Shannon Hurst and Ron Sosbee were present.
Shannon presented her correspondence for referrals on the Visual Lease Company. She has included in the 2007 budget for contract services with Visual Lease Services. They use the GIS and GPS method to identify the oil and gas equipment and property within the county. The results have yielded assessment rates and also determined the gas companies were in school districts not previously identified. See the post article. In July, Rio Blanco County signed a contract with this firm. A power point was given using Garfield County, Okalahoma and the benefits of GIS were explained.
Ron stated they are working in several states but the main focus is oil and gas.
This data becomes the property of the County and can be used anyway they choose.
It will focus on the current plus 6 years past.
A maintenance contract would be proposed for the next year after the initial audit. It would be the cost of a deputy's salary. Rio Blanco has been working with them since July of 2006 and recently requested a bid for a maintenance contract.
Jesse – how to gain access to oil and gas and private property.
They become an arm under the Assessor's office and have credentials – deputized same as other deputies. Some areas may have locked out and have to write or set up an appointment. Same authority as the Assessor's staff.
Jesse – merge with GIS - COGCC - asked if this could be overlaid.
Ron – yes, they can.
Jesse – old gathering lines – how to identify?
Ron – have to cross a road and can identify. Take digital photographs – most oil and gas companies will furnish maps.
Jesse –They have been trying to map all the lines and have worked on this for a year now, the purpose is public safety - wildfires mainly. Companies say they don't have it.
Ron – lots of time they will say they don't, but when you start assessing the property they will be more cooperative. Visual Lease Services have GIS personnel.
Jesse – asked if this could include emergency contact numbers and overlaid on all county roads. Ron – yes. All lease roads GPS'd.
Shannon said this is a big project in her budget.
Commissioner McCown – will this negate the need for a part time person and reporting.
Shannon – will not eliminate the need for Sean. She will check into it and not have duplicated services.
Don – clarified that Shannon was proposing to enter into a contract.
Shannon – for 2007 yes; today they are here to present.
Chairman Martin – Rio Blanco Commissioners have reported they are pleased with the Visual Leases Services, Inc.

- ***MOU with Federal Social Security Administration and Homeland Security – Carolyn Dahlgren***

This is a Pilot program for eligibility verification for new hires.
Marcia signed on and registered. Once the MOU is signed they will fax to Homeland Security and then receive the passwords and register each new hire.
Carolyn – State Legislature has mandates this be in place. This will not mean any new improvements from what we do already. Background checks are already done.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to sign the MOU for the basic Pilot Program.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Discussion of Oil and Gas Liaison position***

Ed and Jesse presented the white paper supporting the position.
Commissioner Houpt – agree that it is difficult to fill this position on a long-term basis. See the report.
Don – the expertise needed is for someone experienced in the regulatory process. When we need petroleum expertise we have consulted with Dr. Thyne. When Don needs this type of expertise he needs professionals to testify. What Doug brought to the table was to work with the oil and gas staff and apprised Don of what was happening in this County.
Commissioner Houpt – appreciates the way this has been set up and suggested a different scenario. A position like this needs to be advertised and need to pull out the job description before we advertise. Look at putting together a department, create it and advertise.
Ed – a project team.
Commissioner Houpt – think we've heard from Doug, Tim and Jesse that this is a growing concern in our county – a great deal of information and needs to be in the forefront she has heard that it takes more than one person to handle the load. Use the white paper that Jesse put together and decide the type of people we need to fill these jobs. Get input from the Energy Advisory Board. The tough questions in this County have not been resolved. Like to see the job descriptions and what the project will look at.
Jesse agrees – would Don feel comfortable is someone was less experienced – Jesse will phase out by the end of next year. Build our own team and Jesse work heavily with Don over the next year.
Don – this is what happened with Doug Dennison – this may be the only alternative. Interested in seeing what is out there. The alternative is probably where we may end up.
Ed – the person once trained becomes attractive for the gas companies. Hesitant to target a particular type expertise due to the oil shale industry.
Commissioner Houpt – major focus on natural gas extraction.
Commissioner McCown – on going, oil shale is in the future and agreed we need to look at it. We do not need a petroleum engineer when an individual can be trained to read an APD and if it needs to be brought up to Don as a potential problem. Education to the public and routing calls to the appropriate individual. Guidance type of person.
Jesse will serve the liaison to grow the para professional and upgrade the clerk to 27 hours a week.
Commissioner Houpt would like to hear from the EAB; there are still people who think there needs to be a separate department, separate from Jim Rada and Building and Planning but not into a department where you don't have the interface.
Chairman Martin – we should give Jesse credit; he understands the job and this works well.
Commissioner Houpt – nothing on paper and needs to know we are actually accomplishing what we need to. Putting resources into it and needs a better understanding of funding a department.
Commissioner Houpt wants to see job descriptions.
Chairman Martin said let's continue to work on this and wants to keep Jesse in an official position. Be pro-active.

- ***Discussion of Accounting positioning Department of Human Services***

Back up on the Human Services Accounting Position – budget request for a degreed accountant that can be trained to backfill the Accounting Manager position. A vacancy – upgrade that vacancy and role over to the budget the bookkeeper position. Get a back up to Michelle McMullen. Asked to be authorized to upgrade the position and recruit
Commissioner Houpt so moved. Commissioner McCown – seconded.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Discussion of Mineral Severance Funds – Patsy Hernandez***

Pasty submitted two alternatives for the funds. $2,410,957.97 million resides in the general fund and asked for discussion and direction on how and when to transfer some of these funds into the capital fund.
Commissioner McCown – consensus was and the intent is to start a fund, savings, be careful under Tabor – as long as things are good we need to account for times when things may not be as good. Need to be cautious – mineral severance funds are volatile.
Ed – targeted $2 million from the property tax funds for this savings.
Don – looked into the perimeters and said we are okay with TABOR because we deBruced. This lifted the spending limitations. Don, Patsy and Ed to put together a proposal for the Board.
Pasty – Budget notebooks will be provided today. Put in the oil and gas mitigation fund and starts a zero but have $2 million projected to go into this savings funds.
Direction: The wishes of the Board are to leave the funds into the general fund.

COUNTY ATTORNEY UPDATE – DON DEFORD

Debbie Quinn – new Deputy County Attorney. She comes from Pitkin County where she has worked for several years as attorney and assistant county attorney.

Executive Session: Litigation Update; Legal Advice - on-going litigation with the ACLU and Sheriff's office, Stillwater, immigration for contracting; contracting with Garfield County oil and gas evaluation; and status on personnel since Jan Shute accepted the City Attorney for Glenwood Springs. Carolyn – contract on sale of Garco property, prior contractor.

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:

Staff in CA office – Don asked for authority to move forward to advertise a position in my office to replace Jan Shute who will be leaving to assume the responsibilities as the Glenwood Springs City Attorney the 1st week of November.

Commissioner Houpt so moved; Commissioner McCown seconded.
In favor: Houpt – aye Martin – aye McCown - aye

Public Action – Letter to Grand Recipients

Don requested authorization for the Chair to sign a letter to grant recipients in Garfield County informing them that the basis for our new immigration requirements rests with State legislature.

Commissioner Houpt so moved; Commissioner McCown seconded.
In favor: Houpt – aye Martin – aye McCown - aye

Public action – Drug and Alcohol Policy – GMA and Valley View Hospital

Don – under the Drug and Alcohol Policy for Garfield County, you have designated a screening facility at Glenwood Medical Association and we need an alternate screening facility designated for after hours use; Valley View Hospital has been contacted by Dale Hancock and he has asked that they be authorized to provide that service.

Commissioner Houpt so moved; Commissioner McCown seconded.
Discussion
Grand River Hospital was going to be contacted to see if there could be a screening facility in the west end to. Dale will contact them and bring it back if they can provide that service and then we'll ask for authorization.
In favor: Houpt – aye Martin – aye McCown - aye

Taughenbaugh issue – Carolyn to set on schedule for a public meeting

The Board gave that direction.

CONSENT AGENDA

i) Approve Bills
j) Wire Transfers
k) Inter-fund Transfers
l) Changes to Prior Warrant Lists
m) Authorize the chairman to sign a Resolution of approval and special use permit for a "Camper Park for the purpose of providing temporary quarters to employees and contractors in the energy extraction industries: for OXY USA WTP LP – Mark Bean
n) Authorize the Chairman to sign a Resolution of approval and special use permit for an Accessory Dwelling Unit located at 489 Rose Lane, Carbondale, Colorado for Marian Nilsen – Mark Bean
o) Authorize the Chairman to sign a Resolution of approval and conditional use permit for a studio for conduct of arts and crafts for Dyland Balderson and Jacqueline Spiro – Mark Bean
p) Authorize the Chairman to sign a resolution of approval concerned with amending the Garfield County Zoning Resolution of 1978, as amended by the amendment of Sections 3.10.01.3.10.03 and 3.10.04 to add "Camper Park for the purpose of providing temporary quarters to employees and contractors in the energy extraction industries" as Uses, Special – Mark Bean
q) Authorize the Chairman to sign the Townhome Plats for Buildings D & E, Valley View Village Subdivision, Battlement Mesa PUD. Applicant is Darter, LLC – Fred Jarman
r) Liquor License renewals for Buffalo Valley Inn and Rhino Liquors – Mildred Alsdorf

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – j omitting b and c; carried.

REGULAR AGENDA

PUBLIC MEETINGS: DISCUSSION OF THE NEXT LEVEL OF GRAVEL PIT MEETINGS

Chairman Martin thanked staff and noted it was a nice presentation – very informative; he asked Ed to look at next meeting.
Discussion was held.
Ed – asking for input on the next step in this process.
Chairman Martin – need to look at the economical value for the overall economy – we need that and then come back for best management practices and open discussion with the public.
Commissioner Houpt – encouraged by Routt County's process. In one of the future meetings have the mayors and companies and how this works with the stakeholders.
Commissioner McCown – gravel pits were the only thing Routt County was applying their process to and questioned how can they isolate those and not others. If we apply that weighted scenario then it must be applied to all entities including housing.
Fred – had a lot of feedback from citizens and industry and there was a lot of information gathered out of the meeting. Chairman Martin - Economic benefits are keys to industry, assessor, users in both cities, and we need to make a decision on gravel pits; why are they here.
Commissioner Houpt – not a question of stopping the industry. Looking more at what regulations for reclamation to protect the environment and view sheds during the process as well as land use impacts.
Chairman Martin – revegetation and the actual visual corridor – have a stake in this and can enter into suggestions for revegetation – Tamarisk need to be removed, future use, etc. need to look at this. Then – what are the best practices and what to work on i.e. watersheds – cooperative manner and not a burden on the citizens?
Commissioner McCown – need for another meeting for the elected officials to establish the agenda for the public meeting.
Ed – four specific areas came out of the last meeting.

Fred – agrees – so much info in the forum, and now that changes the course and we need to know where to go before we set up a meeting with the stakeholders.
Ed suggested scheduling another meeting sometime after budget.
Direction – organize and have a facilitated meeting.

ANTERO RESOURCES OIL AND GAS LEASE PROPOSAL – BILL PIERINI, Division Landman

Carolyn Dahlgren, Don DeFord and Bill Pierini presented.
By deed dated January 2, 1981 Garfield County purchased from Agnes Hunt the surface and all of the minerals in an approximate 19.381 acre parcel of land located at the west end of the Garfield County Regional Airport.
Antero Resources Piceance Corporation hereby proposes to lease these minerals underlying the parcel for $1,250.00 per net acre for a total of $24,226.25 – one year term and a $750.00 an acre for renewal option of a second year. This lease is similar to the one with the City of Rifle under the airport.
Directional drilling is proposed.
Handouts were given.
The GIS map shows the acreage.
Caorlyn stated the indemnify policy is satisfactory.
Clerk and Recorder will record the entire document.
Jim Neu was present from the City of Rifle.
Bill – this is not surface occupancy.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to accept the lease agreement as proposed by Antero and strike item 16, the MOU of lease and record the entire lease and the chair be authorized to sign.
Chairman Martin – not in favor of leasing to the gas industry – perception of the public and trying to preserve some minerals for the future.
In favor: McCown – aye Opposed: Martin – aye and Houpt – aye
Bill will discuss the ramifications of not leasing these minerals.

AMENDMENT TO INTERNATIONAL FIRE CODE – RON BIGGERS, GLENWOOD SPRINGS FIRE DEPARTMENT – RON BIGGERS, DEPUTY FIRE MARSHALL

Ron Biggers, Chief Piper and Don DeFord were present.
In September 2004 the City of Glenwood Springs adopted by ordinances the 2003 International Fire Code with 24 amendments and a permit fee schedule. March 8, 2005 the County adopted the 2003 International Fire Code with 10 amendments. In order to have a consistent fire code throughout the Glenwood Springs district, they requested the Board to approve and adopt by ordinance the total amendments to the 2003 IFC and permit fee schedule. Copies were provided to the Commissioners.
This would need to be put in the County ordinance and would
Direction was given to Don to start the process to allow the Board to consider.
Commissioner Mccown – so moved. Commissioner Houpt – seconded.
In favor: Houpt – aye Martin – aye McCown - aye

SOCIO-ECONOMIC IMPACT STUDY – DOUG JEAVONS, BBC CONSULTING

Jesse – study was approved to have the BBC to do the study listen to Jesse and changing variables – contract awarded.
Kevin Williamson and a partner – listen
This is an update and illustration. Process over the past 11 months and had meetings with staff and municipalities and school districts.

A power point was given to illustrate the study and briefing to the Commissioners. They reviewed the model development, discussed key forecasting assumptions for planning and base case forecasts. This project objective is to develop a tool to communicate, illuminate and help solve real world problems. A Web base model that can be used by municipalities and school districts to develop their own scenarios and projections.
The model produces estimates of county wide populations by age and gender and see handout.

CONSIDERATION OF IGA WITH SPRING VALLEY SANITATION DISTRICT

Don DeFord and Jim Neu were present.
Spring Valley Development is coming back with a new preliminary plan and this needs to be back before the Board. Cooperative document and has an indemnify clause – wants the Building & Planning to send referrals to the Spring Valley Sanitation District.
The request for an IGA was submitted to the Board for consideration. This requests the County to require a building permit applicant to provide the Tap Permit prior to the issuance of the building permit to ensure the District is receiving the tap fee. It also addressed proposed developments in the District. The County will make the District a referral agency for all land use applications for developments that the District will serve so that it can provide comment. Basically the IGA is an agreement of cooperation between the County and the District to encourage an organized and centralized approach to the provision of public services to residents of Garfield County.
Don – the IGA is a doable prospect – how this will actually function with the B & P department for implementing the agreement and whether or not it's something they should have – 2 aspects.
Discussion was held and direction was given to revise the IGA to meet our current practices and bring it back.

PUBLIC HEARINGS: CONSIDER A CONTINUED PUBLIC HEARING FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION – APPLICANT: JUDITH S. DETWEILER

Fred Jarman, Mark Chain and Judith Detweiler were present.
This is a continued hearing – 18th of September; Exhibits A – K was introduced.

Request from the definition of subdivision. Catherine Store lane east of Carbondale, Roaring Fork bottom drainage. Property was one of three splits done in 1980. Mr. Matthews split the property into 3 tracts of 11.69 acres.
Important to note – how it was created in 1980 and minutes and Resolution memorialized – no further splits made by Flaven Cerise and same covenants that Mr. Cerise made – a boiler plate under the rules that are different – today a maximum of 4 splits area allowed. This is an exemption. The applicant has proposed but it meets the rest of the policies of the comp plan and the land uses are very similar to the size being proposed.
Technical aspects – meets all the minimum zoning requirements and on the lot size – a gas main runs through the 2.25 property and the applicant has suggested moving that easement and meets zoning. A well permit will be applied for the use of the house only.
Staff recommends the Board approve the request for an Exemption from the Definition of Subdivision for Judith S. Detwiler with the 7 conditions.
Mark Chain – comments – 1) that lot will be enlarged to about 3 acres in size. Gas line would be very expensive and thereby enlarge the lot. Biggest issue was to meet with the other lot owners and make sure they were in favor and to change the covenants. After meeting with those adjacent lots, he proposed a condition no. 8 on September 21st which states: "Amended Covenants for the Mathews Subdivision (existing covenants are recorded in Book 550, Page 3736) shall be recorded prior to or with the recordation of the Exemption Plat which reflect the changes agreed to be the present three lot owners. These changes are: a. That the newly created lot will have no AUD, have a limitation of 3,000 sq. ft of living area not including garage, and the residential structure and outbuildings will be located in an approved building envelope(s); b. The voting rights for the lots within the subdivision will be recalculated to show, proportional voting rights for the existing Lot C and the newly created lots; c. Paragraph 7 of the covenants will be clearly stated that no further resubdivision or exemptions are allowed and that the approval of 100% resubdivision or exemptions are allowed and that the approval of 100% of the lot owners are required to change this provision. d. Approval of 100% of the lot owners is required to change any of the restrictions placed on the newly created lot; and e. All other terms of the covenants may be changed by the then current owners of not less that two thirds of the parcels controlled by these covenants.
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 subdivision with conditions 1 – 8, I have a question on No. 3 and No. 4, they seem to be a bit redundant and change No. 3 –to read that "prior to signing a final plat all physical water supply shall be legal and adequate; No. 4 would the standard boiler plate striking No. f. and inserting No. 8 as the handout presented by the applicant.
Fred stated that No. 5 is moot.
Commissioner McCown strike 5 as well.
In favor: Houpt – aye Martin – aye McCown - aye

ABATEMENTS FOR ESTATE OF AGNES BEATRICE DARROW; WAYNE C. AND GLENDA H. CASSETTY; AND WILLIAM AND KATHERINE VOILES – SHANNON HURST

ESTATE OF AGNES BEATRICE DARROW
Schedule RO43233
Shannon was sworn in.
It has been determined that the mineral rights were in production as of January 1, 2004. According to state statute, only non-producing severed minerals are separately assessed. Therefore all taxes for 2004 and 2005 need to be abated. 2004 and 2005 R004233 2004 $.52 and 2005 $.46.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatement for Schedule RO43233 as presented by the Assessor.
In favor: Houpt – aye Martin – aye McCown - aye

WAYNE C. AND GLENDA H. CASSETTY
R007674
The petitioner states that the taxes assessed against the property for the property tax year 2005 are incorrect for the following reasons: the property at 4036 Crystal Bridge Drive had a foundation 1/1/2005. This changed the property from vacant to residential, which lowered the assessed value requiring abatement for tax year 2005 of $1183.92
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatement for Schedule R007674 in the amount of $1183.92.
In favor: Houpt – aye Martin – aye McCown - aye
WILLIAM AND KATHERINE VOILES
Schedule R007685
This is in River Valley Ranch and had a foundation and changed to vacant to residential and lowered assessed value. The abatement is for $1,201.34.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatement for Schedule R007685 in the amount of $1,201.92.
In favor: Houpt – aye Martin – aye McCown - aye
Public Comments from Citizens not on the Agenda
Chairman Martin left the meeting at this point and Commissioner Houpt took over as Pro-tem Chairman.
Excavation Permits
Dave Rippy – Regarding the fees for excavation before a building permit – no problem with the fee but it ought to come with the building permit – good to come off the permit fee – double dipping in his opinion – if you pull a building permit in a specific amount of time the excavation permit should be credited toward the building permit – he runs into it a lot. It's a good service to get going with the excavation but it doesn't

seem fair charging it for you again. Charged up front on the review process and they charge the same on the building permit. Charging twice.
Fred – he is referring to excavation – foundation – one fee and it does include the building permit.
The fee was a grading permit fee and not included – residential is just one – other types of grading permits that are not related to the grading.
Dave – understands – but when you pay it for residential and paying the fee again – if you pull a building permit in a certain time it should be credited.
Fred – will look at it.

Two separate fees – one for moving dirt – excavation permit and the other is to build a structure.
Dave – maintains they are the same.
Commissioner McCown – it was never intended to get into a situation where there is a double charge.
Jake Brakes
Chuck Hall – letter – Jake Brake area in the BM area – refer to Road & Bridge. He is asking limited use. It had improved some.
Commissioner McCown – The Department will sign it and should be forth coming.

CONSIDER AN AMENDMENT TO SECTION 5.03.15(8) OF THE ZONING RESOLUTION OF 1978, AS AMENDED REGARDING KENNELS. APPLICANTS – JOSEF P. LANGEGGER AND FRANK & JEANNIE DONOFRIO – FRED JARMAN
Barbara Clifton, Kelly Cave, Josef Langegger and Frank and Jeannie Donofrio 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 Pro-Tem Houpt 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 -Application materials.
Chairman Pro-Tem Houpt entered Exhibits A – C into the record.
In the reading of the minutes, it is uncertain where the rule came from. There is no other scientific basis for this density.
Looking for a practical reason why this came into being. Fred included the state regulations.
This was taken to the planning commission and the Planning Recommendation was to:
The Planning Commission unanimously recommended the Board of County Commissioners approve the proposed text amendment to the Zoning Resolution of 1978 as amended dealing with dog kennels in the follow manner:
Amend Existing Section 5.03.15(8): ***No more than one (1) dog per acre of land on the property permitted for a kennel, with a maximum of 60 dogs on a single property.***
New Language – Kennels listed as a use by right shall be allowed a maximum of 40 adult dogs with no more than two litters occurring in any one calendar year and Kennels requiring a Special Use Permit shall be allowed a maximum of 15 adult dogs with no more than two litters per any one calendar year. Additionally, Staff also suggested the Board may wish to require a copy of the license issued by the State Department of Agricultural for Kennels and Breeders in the County.
Commissioner McCown – clarified that the noise conditions would be taken at the property line.
Fred confirmed it would be 25 feet from the property line.
Barbara Clifton – Dr. Peter Langeggar is a Vet and is the one requesting the kennel. Clients have been approached to offer the kennel operation. 286 individuals signed a petition to have the one dog rule amended.
Peter stated that the calls have prompted the zone district change in zoning.
Kelly Cave represents the Donofrio – breeding dogs - they have to meet the rules – most of the time these dogs are kept inside. They back up to BLM land – no neighbors have complained.
Difference between a kennel and a breeder.

The first application is geared toward the amendment of the regulations.
60 dogs is a reasonable number – the controlling of the noise and the waste is irrelevant.

Public Comment:
Nancy Jacobson – CR 331 – does agree that there needs to be some flexibility on kennel and shelter activity – it is difficult to locate kennels – needs to be flexibility. Located to the south of the Colorado River – floodplain issues to keep houses from coming in – loud traffic from the oil and gas industry.
Commissioner McCown – if this zone text is approved it would be for all the acreage in the County.
Fred – change for a kennel – A/I zone district – ARRD comprises the bulk of land in the county.
Commissioner McCown – this is county-wide.

Terry McGuire – Grass Mesa Road – proud staff of Dr. Langegger – pet sitting service – cares for animals in their houses – requests for boarding – not a lot of boarding facilities down valley. The fact that the doctor is willing to move forward with his facility would be a tremendous asset to the county.
Amy Phelps – Parachute – Dr. Langeggar has provided a huge service – pulls for the west end of the County.
Ken Beckwith – speak to the second issue – not specific to the neighborhood – when we moved to Colorado 11 years ago – Yorkie breeder – small dogs yap 24/7 and a reason we moved away. Can't imagine 60 dogs barking – question – looking at a county-wide amendment – what does this do if the next one wants 60 pit bulls that are 10 times bigger. The size of this particular dog is irrelevant – dogs barking all night long in the summer when the windows are open – density is per the acreage – great fear of barking dogs at night.

Mike Simpson – Glenwood Springs – need to look at the approval of 60 dogs in each zone district and not a one-size fits all – in particular – meets the needs of the community.

Commissioner McCown – A/I would not allow dogs – a zone text amendment relates to the entire county.
Dave Rippy – Glenwood Springs – no objection to allow for additional dogs as where it is for the use by right – SUP still have to come in – setting a precedent and with a zone district amendment – allow 60 dogs for two acre's – and in his subdivision – that leaves it too much of a whim – to amend the text to 60 dogs for a two-acre lot – but okay on a use by right.
Mandy – Cheyln Acres – very dense residential and hears dogs barking at night – small kids also wake up in the day hearing dogs. A lot of little dogs make just as much noise – will bring down the value of their homes if people realize this is a kennel.
Laurie Raymond – CARE – works with dogs professionally and sits on a board for a west end kennel – real revolution – kinds of service people demand and introduced the plans for kennels – architectural firm – used it for Langeggar – performance standards are what counts here. Stress free kennels for their pits – people are demanding – the expertise – the materials are there to build kennels and the need is there.
Kathy Beckquest – no personal grief – concern is that making it allowable to have 60 dogs in a residential area – can't be a blanket issue – Dr. Langegger's place is wonderful – what we are talking about here has nothing to do with the way it's built. The building architectural is not something required it is a personal choice. One dog in their family and some do not maintain their dogs well and neighbors suffer. Each case is specific but we are not able to vote and make it individual. Opposed to allowing this to happen.
Hillary Long – Black Diamond Road – somewhat support of the Donofoio's – live in a rural area and say they hear barking – one dog per acre – many people own more dogs – quite confused – what is a kennel – dog owner in this valley – we need kennels to keep our dogs.
One has to do with a neighborhood and one has to do with the number of dogs. As a citizen both of these issues do not make sense.
Judy Beigel – Aspen Colorado – support Donofrio – employee and help maintain the kennels. Concerned that these two lovely families are coming under a rule where they could be ruled against. Jeannie and Frank's situation may be ruled against – Jeannie raises several litters a year. Don't want to have to have Jeannie and Frank get rid of their dogs.
Tracy Rogers – notices on their mail boxes – litters – if you have only a few litters you don't need a state license – more than two litters you do.
Commissioner Houpt – asked about breeders and kennels and if they fall under the same regulation and why.
Fred – they fall under the same zoning regulations of 1978 – includes breeders and is lumped all into one.
Commissioner Houpt – reiterated the problem with an owner of sled dogs and a huge concern about the noise being generated. All encompassing situation.
Commissioner McCown – struggled – a lot of it is what it is – compared it to speed limits for small cars. The request is to ask the Board to – the way the zoning is written – can be specific that it will only imply in certain areas such as A/I but when we say it 's good – its good for – can't make exception for the size of the dogs and how the land is configured.
Kerry Ginther – clarifications – doesn't see how you could change the law where every 2 acre property can have 60 dogs. Two separate issues To change the ruling to straight 60 dogs would create huge problems – not sure of the system - 60 dogs and apply for a SUP – guidelines – if both applied – they are different and should be treated different. Very complicated matter.
60 dogs per acre at their will – can't do it.
Skip Likely – one block from the Donofrio – hears dogs barking – has lived there since 1968 – 38 years – enjoy the quiet and have a problem with these two issues – a need for a kennel – needed a kennel – not a need for a dog farm in Cheyln Acres. If they sell the property can the next owner come in and raise another breed of dogs – ARRD – eliminate – stay with A/I. Thousands of two acre lots that could be dog kennels.
Applicant:
Barbara Clifton – understands the concerns they would be allowed 60 days and the way that this is presented – it isn't allowed to allow – who operates a kennel who has to have a state license and abide by all the performance standards, noise, waste, flies and solid waste – abide by all those standards. Use by right – could have 60 dogs – still have to meet – the number of dogs that makes sense – understands the concerns. Specific standards and specific – has to abide by – zoning violation – the SUP could be revoked.
Commissioner Houpt – in a use by right zoning area – there are standards to follow – how is that regulated?
Fred – still a matter of zoning – no land use change – a use by right – in the zoning code – performance standards – too loud can shut the kennel down.
Carolyn – its complaint based – if someone complains they have to follow through the policy – an appearance but state law – a huge violation and a court judge for a restraining order to cease.
Commissioner Houpt – not special regulations for the kennels?
Fred – traditional building permit – kennel – building permit for a kennel – it's a professional structure.
Kelly Cave – definitional issue – kennel – one whole acre – not viable - big difference between a kennel and or breeder – threshold matter – how we're defining a kennel – still have to get a license – if I have 5 dogs I have to have 5 acres. This is not commercially viable – a definitional issue.
Commissioner McCown – same token – one dog per residence – deeper into the discussion
5 acres for 5 dogs and same buying off for 60 dogs per 2 acres. He sees us hopefully to come up with a number that would be a reasonable number in the Use by Right and a reasonable in A/RR/D.
Kelly a numbers issue – no way Jeannie would have 60 dogs – she has a SUP and can restrict it per application.
Commissioner Houpt – kennel for Langeggar – certain amount of numbers to build – to be economically viable – no magic – Red Hill to hold a number of dogs in one place.
The reasonable number would be 30 dogs per Langegger.

Peppi – too much emphasis on the numbers – 4 barking dogs in a residential is too much for Carbondale in Red Hill. 60 dogs and well-built facility, the noise can be mitigated and depends upon how the structure is built. Waste, smell – that should be the concern – reason they are licensed.
Dave Rippy – applicants have to be in compliance and this put the burden of the neighbors to report a violation – situation by kennels by nature – kennels are noisy and a situation like this where its put on the adjacent neighbors – reliance on that is not good
Jeannie Beano – neighbors that were disturbed – Donofoio's would address this – state regulated and would be county regulated. Allow them to have their dogs and a few litters – would comply and would want their neighbors to comply.
Hillary Long – not always notified when the zone codes change.
Emily Langegger – co-owner – report to the sheriff – route to go with – you would not enforce it – USDA guidelines to have a boarding facility – more to it than what you're reading.
Kelly Cave – enforcement – neighborhood watch situation – whether or not you want the kennel definition to change.
Barbara Clifton – reporting if there is a problem
Dave Rippy – it is a concern.
Barb – same reporting.
Fred – covered in the staff report – confusing and whole notion of a kennel – 5 or more dogs you are a kennel – one dog per acre rule – silent. Wrestling with the number.
Commissioner McCown – question – can we address the areas of concern by zone district? Can I set the use by right and a different number in a SUP – a performance standards – a zoning standard –?
Carolyn – Code doesn't operate that way.
Fred – every case is a SUP and the Board can look at that specifically.
Carolyn – more consistent.
Commissioner McCown – another layer of bureaucracy. Use by Right Kennel definition and a Special Use Permit kennel definition
Kelly Cave – see it as more of a restriction – then they have to come in with acceptable in their neighborhood.
Carolyn – do it performance based.
Betty Colllins – ½ mile from Divide Creek – why comparing therapeutic clinic with a breeding that services very few. Need something – Amy Chappell spoke – essentially – she is the dog detention officer and having to drop dogs off with Peter and Emily. Betty deals with a lot of meth addicts and Peter is taking in the dogs. Therapeutic – clients – nothing like a breeder.
Laurie Raymond – some science on this question – need to look – look at the newer animal shelters – designed new materials – dogs and cats humanly cared for without impacts on neighbors – look at the design features and build into and not talk about the numbers. Look at amending the building code for kennels – a right to pursue their hobbies but not impact their neighbors. Larry McPherson – Animal Arts in Boulder – designed shelters and vet clinics. Start with him – he does it nation wide.
Kelly Cave – Animal Control – regs – agricultural – state licenses – no maximum – based on the dog itself and the nature of the building.
Betty Collins – Boulder is incredible – huge – takes in dogs from all over the nation.
Commissioner Houpt – like to take time to tweak this text amendment. Suggested more time is needed.
Commissioner McCown – still leaning back to initial thinking. Our task is to protect the health safety and welfare and look at a minimum of 2 acres to qualify a kennel and looking at a maximum of 40 dogs – ancillary buildings to meet the setbacks – and needs to be a maximum in the A/RRD at 10 dogs and then look at a SUP. AI is a use by right, that's what it's for. ARRD is agricultural rural density and that's when you can have a neighbor 100 foot away meeting our 50 foot setback. I think 10 is maybe too many, but let's set 10 as the cap and then look at them with each special use permit. If this doesn't set well, we can set it over and have more discussion. These are two different numbers, two different levels. Not changing the need for a SUP on the ARRD area, that would still be required.
Commissioner Houpt – have a SUP or the need for strict guidelines.
Commissioner McCown – not the guidelines would all stay.
Carolyn – suggested more time – definitional area – dealing with apples and oranges – look at different uses.
Commissioner McCown – would not exclude breeders from a kennel.
Commissioner Houpt – suggested we hold over and have staff come back.
Fred – in my mind the need to focus on the number that is irrelevant – how you deal with it – a performance based measure – Use by right or a SUP - an added layer – all have to come back and meet water and sanitation - land use and what is the impact – that is the hammer. This is something the Board dealt with in 1995 and 2002 and is something that is not before the Board all the time.
Commissioner McCown – before I close the public hearing, I would give the applicants the opportunity to choose if you would want us to decide today and take your best shot or if you want to carry this forward and do some research and see if we can come back with number one a better definition and number two whether or not my suggestion is legal and feasible to implement. The reason I'm asking this is I know the expense and time involved in renoticing and that's what it would entail. If it is set over to another date leaving this open and continuing it, it would alleviate the need for an additional notice and we could come back and pick up right where we are today and move forward, but that is your call.
Applicants – Barb Clifton – on behalf of the applicant Mr. Langeggar we would like to ask you to go ahead and make a decision today. We would state however that we perfectly with the 40 dog limit in the AI Zone District.
Kelly Cave – on behalf of the Donofoio's we would like more clarification as there are a lot of issues and a lot of numbers thrown out and if you came down with a certain number, Larry said 2 acres minimum, 40 dogs max, but if that's the case that would be fine with us cause there's a cap at 40 and you have to have a minimum of 2 acres. But if you're going to start adjusting for the other residential areas, I think we would ask for a little more time.

Commissioner McCown – other than the zone text you don't know what's going to come out of it anyway. Because if I can tell you my personal feeling, if I don't cap the ARRD, I'm going to be very stringent on the SUP regulations in ARRD areas.
Kelly – this is where the kennel versus breeder comes in – it's not commercially viable to have 10 dogs at once to breed, there's dogs in season, and dogs that you breed one year and you're out one year. It's not that you just breed 10 every year; it's a business that takes some sort of a gift.
Frank Donofrio – you alluded to levels of stringency, levels of criteria, would those criteria and levels of stringency be the same as what is required by the State of Colorado which is extremely stringent and far exceeds what you have in place now?
Commissioner McCown – the only difference is that mine could include a maximum number.
Kelly – the State which regulates breeders, which is what my client is, they allow a lot more dogs and in fact they allow them to have 99 dogs on their property and they approve it and they came out a whole day at their facility. So I think if you restrict back to 10 that is extremely stringent and would love to have some flexibility. If they had 10 Rottweilers on their property, yes that is a difference in a gradient to play in.
Commissioner McCown – then we go back to the size of the dog and we can't do that.
Jeannie – it's a major difference because in the County now you have a rule that there are 4 dogs allowed in the County and those can have two Rottweilers, breed them and have 20 dogs all at once. I could breed 2 Yorkies and have 4 dogs all at once. So there a major difference in the size and quantities. Breeding dogs is one of the hardest things she's done in her lift. And she can't even think about doing more than 3 or 4 litters a year. It's a hobby and there's no money in it, it's not commercial viable to me, it's a hobby because I want to show my Yorkies, so I would breed one year and show the next year. When you have a breeding situation, all your bitches go in heat at the same time, obviously I don't breed all my bitches at the same time or I would be dead trying to have those puppies. I try to have two litters at a time in case one mother does something, her milk doesn't come in then I have milk for the other mother. This is something that anybody in the County right now can have 4 dogs and breed their 4 dogs and those 4 dogs is they're Rottweilers can have 40 dogs just like that and wouldn't need a Sup for it. Where I can have 6 of my dogs on my property that are pets, 10, 11 years old that I've had for just forever. Commissioner McCown – I'm just concerned that if we don't have some maximum number for residential areas the next person that comes in and asks for the same thing you're asking for might be able to breed 10 dogs a year and they might be Labs and they may be Golden and then we've got over 100 dogs. You can't control the number of pups a dog has. I don't want to get into a situation where we cap the breeding age of dogs and discount the pups and they have to be sold at the end of 10 weeks, that's unenforceable. What we're trying to find it something that is not impactive on the neighbors in a residential area. If 100 dogs is not impactive I don't have a problem with 100 dogs, but 100 Huskies and 100 Rottweilers is a lot different than 100 Yorkies.
As one of the citizens spoke – violation of these various zone texts puts neighbors against neighbors and it is enforcement but someone does the complaining.

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 amend the Section 5.03.15(8) "to read no more than 40 dogs per parcel with a minimum of 2 acres of land to qualify as a kennel." Commissioner Houpt seconded for the purpose of a discussion. Are you then going to allow the same cap for ARRD?
Commissioner McCown that will be done in the next hearing
Commissioner Houpt is having a difficult time with all the definitions that are grouped into this same Section; we are talking about so many different scenarios, we are talking about kennels that we so desperately need and very appropriate places to have kennels. We're talking about a section to allow kennels that wouldn't be appropriate to establish a kennel in; we're talking about a different type of business that is typical but one could be very impactive on a neighborhood and the other may not be. In some areas we have SUP that will be allowed for that type of scenario but with everything that has been discussed today, I'm have a difficult time feeling confident that we have the appropriate definition in place and that we're dealing with the appropriate numbers and that we're doing everything that we can as a County to look at design criteria's so that numbers may not be an issue. I am having a hard time supporting the notion of just changing numbers not knowing on whether the rest of the regulation makes sense after this discussion today.
Motion dies for lack of a second.

Commissioner Houpt – I really can't make a motion because my recommendation would be to look at what other counties are doing and what works and come back with definitions that make sense and then it would have to be a motion to deny.
Commissioner McCown – that's the only option because they didn't want it continued.
Commissioner Houpt – well, let's do this, what we have in place is a roadblock for meeting the needs of kennels in this area but I don't believe this is language that we should hang on to forever either, so I'll make a motion that we permit a maximum of 40 as a use by right with the minimum of 2 acres and Special Use Permit maximum of 20 and with a minimum of 2 acres and that at the same time staff researches this issue and brings back to us solutions to what I think is a Section that needs to be updated with definitions that may more sense as we continue to grow as a County and numbers or no numbers depending on what design criteria you come back with as well.
Fred – asked do you want your staff to review this as part of what we're already doing with regulations or do you want to see this before.
Commissioner Houpt – you can do it as part of regulations
Fred - Use by right – 40 to 2 acres and Special Use 20 dogs for 2 acres.
Carolyn – and the only SUP areas are ARRD, the other areas according to the chart are or AI, RL and Drinking Water Constraint zones. She clarified that kennels are not allowed in all zone district in Garfield County, only in these four zone districts. Commissioner McCown seconded
In favor: McCown - Aye Houpt – aye – Motion carried.

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR A KENNEL IN THE ARRD ZONE DISTRICT. APPLICANTS – FRANK AND JEANNIE DONOFRIO – FRED JARMAN

Carolyn Dahlgren, Kelly Cave, Frank and Jeannie Donofrio 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.

Carolyn submitted the following exhibits: Exhibit A – Proof of Publication; Exhibit B – Proof of mailing; Exhibit B - Garfield County Zoning Regulations of 1978 as amended; Exhibit C - Application for Donofrio; Exhibit D – Staff Memorandum; Exhibit E – Email form the County Sheriff; Exhibit F – Letter from Kelly Cave dated 9-27-2006; Exhibit G – Email in protest from Charlie Willman; Exhibit H – Email in protest from Tony and DeeDee Fisher; Exhibit I – Email in protest from Tom and Mandy Betts; Exhibit J – Email withdrawing protests from Charlie Willman dated 9-29-2006; Exhibit K – Email in protest from Gregory Denny dated 9-29-2006; Exhibit L – Email in protest from Bruce Newman dated October 1st; Exhibit M – Email in support from Art Stuerwald dated 9-29-2006; Exhibit N – Email from Martha Hime in protest of the proposed application dated today; and Exhibit O - proof of mailing.

Commissioner Houpt admitted Exhibits A – O into the record.

This is a very specific land use request.

The Project property is 303 Piedmont Road in Cheyln Acres and please note that Cheyln Acres is not a recorded subdivision, these are lots sold as meets and bounds properties and not a recorded regular subdivision. Property in size here is 3.65 acres served by a well as well as ISDS access off of CR 117. The zoning for the property is ARRD and surrounded by property ARRD with BLM in the area as well. What's being asked for today is a kennel and it is defined as you know that includes breeding. The Donofrio's have been running a breeding outfit out of their home that ultimately includes about 25 dogs – Yorkie Terriers and these are spend 90% of their time indoors with the environmental challenges they have outside because of their size. There are certain performance measures that one has to meet and the applicant has gone through all of these to demonstrate to you that they meet these, number one gets to noise and it is their feeling that they continue to meet the noise restrictions of 55 dba from sunrise to sunset and 50 during the night. The applicantion also contains a petition that they haven't heard or complained about barking noise. Interestingly enough with the State's regulations for breeders, they don't regulate noise but they do regulate everything else that has to do with the kennel in a breeding operation. This is demonstrated until it's a complaint driven issue and to date, the County to date has never received a noise complaint that Ron Van Meter has followed up on. The State doesn't regulate the noise – the County does. This is true of kennels as well. This operation has a license from the State Department of Agricultural. Very specific to breeding operations work and most recently they had a representative from the State came out and spend a day with the Donofrio and re-uped the licenses, an annual license that gets re-uped every year according to the regs the State has. With respect how the waste is dealt with the applicant manage the waste generated by the operation by way of their ISDS system, a 1500 gallon permitted system from the County. The County's EIA director, Jim Rada, responded that the septic system is in his impression is that it is capable of handling the waste – once a year they have a commercial hauler pump the system.

Condition No. 8 – requesting up to 30 dogs and they currently have 25 dogs on the property right now and as you as the Board just approved was 20 dogs on 2 acres. So there's an issue there.

Staff at the drafting of this didn't know the outcome with the text amendment so at this point we actually recommended denial because it didn't meet that canine density requirement. At this point it appears that it still doesn't. They have 3.65 acres so they meet the minimum acreage but if there's a maximum of 20 dogs for a SUP as was your motion, they are proposing 30 dogs and have 25 dogs today so it doesn't meet that standard. So staff still recommends denial based on that.

Kelly Cave – pointed out asked for clarification, is it 20 maximum on whatever acreage you have? If that is the case then they are willing to get rid of some of their dogs to get it down to that 20. They have been adopting them out and Jeannie is amazing with these animals, a lot of people want a cute little dog and it has to be perfect, and if its 5 pounds they don't want it. She takes in those dogs that are not as desirable and she's trying to get homes but she is capable and willing to get it to that number. Another issue was litters, the kennel says you can only have 2 litters per year and she's willing to abide to that as well. She gave the history on this operation. They have been doing this for 40 years. She wanted to make the breed better and show quality dogs, and when she first started she contacted the sheriff and county and everyone told her they are not what we regulate, we don't look at hobby breeders like you, your small and within your home and so she went ahead and like we said no complaints - these people are trying to make the breed as quality as possible. The main concern as to why people have written emails and complained is the noise issue and they're afraid if there's a kennel next door, it's a definitional issue that we discussed before, no one wants big dogs and a kennel in their back door.

Kelly said she talked to Charlie Willman and he realized it wasn't a kennel; they are willing to abide to all the limitations applied today.

Frank – if they get a SUP would it be passed on – like to see no possibility of it.

Public Discussion

Mike Simpson – Owner of a dog in Cheyln on 8 acres, he has a passion for the dogs however, in my opinion they are in violation of the County's code and have been for many years. This is not about Yorkies, nor the size of the dogs, inside or outside, this is tied to an approval to the Donofrio to have any breed of dog and this is an important point. Statement – if the

State so vigorous in their regulations they should check that this facility is not allowed in the zoning code. He read a letter into the record basically stating that this is a residential neighborhood and feels it is setting a dangerous precedent. The SUP would be out of character – hope there is some solution.

Frank and Agnie Simpson - Exhibit P – letter from Mike Simpson was entered.

Gary Ginther - Across the street from the Donofrio and a question, not familiar and if you grant a SUP does it have its own set of guidelines that the BOCC enforces.

Commissioner Houpt – yes we have very specific conditions attached to that SUP.
Gary – if the Board decided to only allow 5 dogs, there are stipulations that go with the SUP...
Commissioner Houpt – yes.
Gary - one of my fears was that it not go to the property and knowing that you can establish your owns set of guidelines to make the surrounding area feel safe and comfortable with it, then I make my statement that I've lived across from then for about a year and the dogs do not bother me anymore than the other dogs in the neighborhood.
Dave Rippy – appreciate the applicants, good breeders but they are doing it in the wrong place – character of that neighborhood – semantics – calling it a kennel and a breeder – dogs in a confined area – splitting hairs on this and the situation – someone coming in for a SUP for an ADU – this is a commercial operation.
Jeannie – has sold these dogs – breeds show quality dogs – not a commercial operation.
David Rippy – they also have to fit the character of the neighborhood – ARRD not in Silt Mesa – a lot of hobby – this is residential – no ag usage – all residential. To allow a commercial operation in there – those are mutually exclusive – also on this – surrounding usage; how can you justify this as a board – need some rational basis – opening the door to allow kennels in ARRD – how can you rule – not the issue of the dogs – inappropriate for the area.
Kelly Cave – can have if you apply for a SUP – back up to BLM's land – no complaints – very small operation – read the code – could have much more impactive uses of their land – could have poultry, pigs – horses – things like th code allows. ARRD neighborhood and complying with the codes. Fine with restricting – zoning is set up for hoops to jump through.
Frank – lots of various sizes – not a high density area – have dogs – horses allowed – cats and kittens – deer and elk and foxes - be insignificant in a neighborhood – can't see why this should not be granted.
Commissioner Houpt – issue – yes there are other animals – that you can have – dogs and noise follow – people concerned – zone text amendment – a real issue when you live in a valley and other houses built in the area – dog issues – and this concerns people – this is an issue to be taken seriously.
Rick Olson – Piedmont Road – a permit would be marked down – 20 dogs only – ability to put those conditions only – would this create more opportunity for more permits to happen – each permit is looked at individually.
Dave Rippy – how you are going to distinguish the difference under the same set of the neighborhood.
SUP allows a lot of flexibility – Lab or a Golden Retriever – allowed this flexibility – each on its own merit.
Hillary Long – integrity of the dogs - owns two of these dogs – prime breeders of these Yorkies.
Jeannie – dogs in 90% - winter time – not outside at all – bees and wasp and the dogs are only out 10% of the time.
Kelly Cave – in controlled areas.
Commissioner Houpt – asked about controlling the noise
Jeanne – the dogs are not out before 10 a.m. on weekends – concerned about noise. The tiled the entire upstairs – well behaved – no restrictions to a certain area
Carolyn – provide for inspections and the Donofoio's gave permission to the County.
Commissioner McCown made a motion to close the Public Hearing. Commissioner Houpt seconded. Motion carried.
Commissioner McCown made a motion that we approve this SUP but there are 17 conditions that will be added to this and will be made available to you, most answer the question, some go beyond that of the ones you have, Number 13 correct verbiage – "no more than 40 dogs shall be allowed on a property having at least 2 acres, however in this case that number is 20; and in Number 16 – at the end of the statement ownership of Frank and Jeannie Donofrio for the purpose of Yorkie breed only; and Number 17 is this SUP shall be reviewed in one year administratively by the Planning Department and if there have been any problems, complaints fro the neighbors or violations of numbers it will be called back up.
Commissioner Houpt – would you be willing to add to Number 4 stipulations on how many dogs can be outside at one time.
Commissioner McCown – that's a moot point, if we're not hearing problems out of these dogs now, they're kept in check when they're outside on the deck and it would be impossible to monitor unless you set on the neighbor's roof.
Carolyn – you'd get rid of Condition no. 3.
Commissioner McCown – yes, it's a moot point and strike 4 as well. They've testified they're in the house 90% of the time anyway. We also include the applicant's testimony as part of the hearing, but it should be included. Stick in at number 3 and restrict number of dogs is 20.
And number 18 or added to No. 4 "you have 120 days to get down to the 20 dog limit" (doesn't include puppies).
Kelly clarified that puppies are bred and sold they're not considered a dog – that's how the state regulates them as well. Once they hit about 4 months, then they should be sold.
Commissioner McCown – 20 dogs including any one time – a maximum of 20 dogs on the property whether they are puppies, six weeks old or whether they are 5 years old. You will have to adjust your inventory accordingly.
Kelly – a litter can be 8 puppies.
Carolyn – a kennel is defined as no more than 4 adult dogs and no more than 2 litters of dogs are bred in any one calendar year. So the current regulation does make a distinction between an adult dog and litters.
Commissioner Houpt – this doesn't mean that you can have 20 dogs and have 2 additional litters.
Carolyn – it's a question about how you define dog when you said that there will be no more than 20 dogs, I read into it, no more than 20 adult dogs and no more than 2 litters cause the representation was that there would be no more than 2 litters.

Commissioner McCown – so if this were a Golden Retriever breeder that we alluded to earlier with 10 pups per litter, we could go to double that amount in 2 litters.
Carolyn – if you're in ARRD, because it is SUP, and because you're talking about the Golden Retriever, you could limit it in the SUP. But the general rule is adult dogs, if you are changing your definition to be consistent with the underlying old definition; it's no more than 20 adult dogs and no more than 2 litters.
Commissioner Houpt – my understanding that we were talking about a 20 animal maximum number.
Carolyn – that's not consistent with your old definition.
Kelly – puppies are sold out in no more than 3 months total. So it's a short time period where they are in and out and that's what a breeder is commercially doing, they're not boarding puppies; they're trying to sell them. If you have 16 puppies then you only have 4 adult dogs and it's a commercial breeding operation and how do you breed animals.
Fred – honestly I am with Carolyn on that too. The existing regulations allow that, it's so fluid that I don't know how you would monitor that.
Commissioner McCown – I can add another condition of approval that no puppies will be retained on the site beyond the 120 day period. At what time does a pup stop being a pup?
Commissioner Houpt – question for clarification and what they are saying is after 120 days max.
Commissioner McCown – the 20 number has become a moot point. If you've 8 puppies that are 119 days old and on that 119th day you have another litter of 8 puppies, you've got 16 extra dogs on that property, you've got 36 dogs on a 20 dog permit.
Commissioner Houpt – still stuck on the 20 dog cap.
Commissioner McCown - Add condition 18 – all puppies must be sold prior to 120 days max. Leave it at 20 and if there are complaints we'll pull it up and look at what we need to change.
Commissioner Houpt seconded it for discussion. Having a difficult and may not be able to save this - a great deal more potential depending upon when those litters arrive.
In favor: McCown – aye Opposed – Houpt – opposed
New motion:
Commissioner Houpt made a motion and said I would like to change the number of dogs allowed to 15 adult dogs and allow 2 litters per year, still talking about a large number of dogs but in a facility that is managed well. Commissioner McCown – second.

Clarification: They would be able to have 15 adult dogs on a regular basis and every year they're allowed 2 litters. Then they're allowed 120 days to adopt those puppies out.
In favor: Houpt – aye McCown - aye

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

OCTOBER 9, 2006
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 9, 2006 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

- ***Government Mules Ski Team*** - Fred Jarman – Ski Sunlight 24 hour – last year the Commissioners supported the team to raise funds for MS and it was extremely successful for the 2nd annual event.

Commissioner Houpt volunteered
Commissioner McCown made a motion to authorize the expenditure for the Government Mules for the event to be held at Ski Sunlight. Commissioner Houpt seconded; motion carried.
Budget – Friday at 9:00 a.m.
Next meeting of Gravel Operations – October 30 – purpose for BOCC and Mayors to discuss the next step – 9:00 a.m.

- ***Transportation Study – Discussion and Direction – Randy Withee***

Mark Bean and Randy Withee presented.
Mark – we're working thought the Code Re-write and are at the section dealing with standards and now in Road Standards. The Board discussed this and the Transportation Plan by LCC.
Collector to a sidewalk street if this is what the BOCC wants to incorporate into the standards. Asked that the BOCC pull the section of the transportation plan and take another look at it and direct staff to incorporate standards into the Code Re-write.
Don – need the input from the Board, soon after that we need the feedback on the road impacts. Don will be coming with a new access fee and developments occurring outside the County by impacting the roads. Move forward on all the suggestions.

Mark – there is a road impact fee in place, but it is dated and the criteria they use was done in the late 1990. This study incorporates the different needs in terms of the road improvements and need some consideration.

This is just to get the issue in front of you.

Commissioner McCown – has some significant concerns – if we adopt these standards and roads called collectors – county will be required to purchase 40 feet more – 99% of roads operate in a 60-foot right of way. By adopting these standards we're placing it on ourselves as well.

Don – doesn't mean you have to go back on existing roads.

Commissioner McCown – once we call them that they would have to be built to these standards.

Garfield County has 735 miles of road; can we meet our own standards?

Mark – Chapter 5 of the code discusses what they suggest as recommendations.

This is in the middle of the code rewrite finishing up the standards section.

Don – keep in mind of the impacts.

Possibility of extending this to the **30th of October** to a full day to discuss this – start at 1:30 p.m.

Therefore two meetings – 9:00 for gravel pits and 1:30 for road standards.

Air Pollution Control Emissions – Pre-hearing conference - Environmental Deadline – Jim Rada

Jim Rada – has submitted a draft and needs input – deadline is Wednesday to Dept of Public Health. The letter has to do with rule making for Air Pollution Control Emissions; there is a pre hearing conference and he submitted a pre-hearing statement. The meeting will be held on November 16 and 17th – Air Pollution Control Emission. He captured a few ideas of citizens and the Commissioners in the draft letter.

The key important facts were highlighted by Jim stating that the community values on quality of life, excellent quality of life, and the character and beauty of the natural environment as well as the issue of rapid development of gas in this area, the County believes that immediate action needs to be taken to address odor issues. Studies have been set in motion and in support of the two-year study – many citizens are collecting samples and have detected BTEX compounds - these are elevated. In response to the review, local topography plays a role in these odors and it's important to nail down the source of these odors and oftentimes the ones detected are not regulated. It is apparent that these have had an impact on the citizens. We may need further controls in place down the road. The fact that oil and gas is on the rise, oil shale development, concerns are increasing. What we do know about air movement, we could be impacted by neighboring states – collaborated with U.S. Forest Service to conduct ozone monitoring in the Colorado River Valley along with the Flat Tops Wilderness Area. Results from this data should provide valuable information regarding the current levels of oil and gas activity in Northwest Colorado.

In summary, the massive energy development potential, Garfield County also believes that this is very important for the CDPHE and industry to determine the emission contributions from the many unregulated pieces of the oil and gas industry and to examine the need for additional measures to control or prevent air pollution from these sources.

Commissioner McCown – CDPHE, make sure they have the resources to enforce the regulations. There should be a finance mechanism to support this regulation; otherwise it will fall to the local government.

Jim will add a statement to that effect in his position letter.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the statement that Jim Rada has prepared for rule making.

Chairman Martin – includes the last statement made by Commissioner McCown.

In favor: Houpt – aye Martin – aye McCown - aye

Oil and Gas Liaison Position - EAB

EAB meeting last Thursday night – it was one of the better meetings because it has some meaty topics and in addition to the Mike Silverstein air pollution regulation discussion, there was also a representative from the BLM that came and talked about their proposed development on the Roan Plateau which was discussed very well by the group. One of the companies, Petrogulf gave a presentation on directional drilling which was very informative.

Jesse also brought up the fact that Commissioner Houpt wanted to discuss the Oil and Gas Liaison with them and Jesse submitted to the EAB a power point and Jesse asked them to take a straw vote in the direction they thought the County should go and it was unanimous to go with Option B, they felt we can't continue to recruit high level people, pay to get them here and then lose them to the oil and gas companies. They would like to try and keep somebody for at least 3 years.

Antero – Telephone Call

Steve Fontano from Antero called Jesse who had received a call from his field manager and called 911 was called, COGGC and then Jesse. They had a problem on the pad sitting in the middle of the Lafarge Pit and basically they were in the process of fracing that well and they had a blow out of the seal on one of the values and it allowed frac water to seep at a rapid rate, about 100 barrels per hour. They flew experts to the area and worked on it. The valve had washed out and they had to change the valve and seals. About 1200 barrels of frac water managed to exit the well and it was contained initially totally on the pad by their incident management system in place and because of the amount of water, they then put some of the water into the abandoned portion of the Lafarge pit with permission of the land owner and Lafarge. CDPHE came in and made sure that all water folks were notified. CDPHE came in and tested the water and found nothing of concern – basically salty water, nothing of concern. They told Antero that they did not see this as a significant event and were pleased at how well it was handled. All procedures worked as they were supposed to work.

Plan B would be to have water trucks to pump out the water. Rifle Water was notified and no change was seen in the Rifle water. The procedures to manage it were effective.

COUNTY SHERIFF UPDATE: LOU VALLARIO

- ***Introduction of new Community Relations Deputy***

Lou introduced Tanni McInnis from Eagle County with experience with the Sheriff's department. Several school programs and revamp the Crime Stoppers program.
Tanni – very excited for the opportunity – lived in western Colorado for 20 years. Law Enforcement for 13 years and prior to that she worked with the Board of County Commissioners.

- ***Adoption of the Garfield County Fire Plan***

Lou Vallario and Jim Sears presented the County Fire Plan presented several weeks ago.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to adopt the Garfield County Wildfire Protection Plan.
In favor: Houpt – aye McCown – aye Martin - aye
Disk will be put on the County Website.
Lou announced that the Sheriff will have a website – excited about it.

COUNTY ATTORNEY UPDATE – DON DEFORD
Executive Session: Litigation Update; Legal Advice - legal advice contract negotiations and direction for staff with public discussion – agenda at 10:15 a.m.
Don requested that the administration and legal staff remain for the session.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.
Action
Don – familiar with Dever Drill site – west and south of the Airport – request from Antero – slightly expand the use of the well site and asking that the Chair be authorized for the conceptual approval and bring back on the consent agenda next week.
Commissioner Houpt – so moved; Commissioner McCown – seconded.
In favor: Houpt – aye; McCown – aye; Martin - aye
COMMISSIONER REPORT
Commissioner Houpt – Friday - a regional housing symposium affordability throughout the region – county and neighboring counties – great presenters and a huge showing; this week – community prevention partners I-70 on Thursday and budget on Friday
Commissioner McCown – Friday budget meeting
Chairman Martin – Friday – dealing with beetle infestation in national forest – CCI; EIA in Denver discussed pending legislation and timelines to Washington in 10 months – fairly successful; Tuesday to Butte Montana; Canada with experts and discussed and options needed to support a non-partisan approach. CCI input by the 18th of October and send into Washington. We will be fine tuning everything and then we'll put it out to all western United States also contact with Georgia, Minnesota, West Virginia, Pennsylvania, Michigan, and Mississippi and all those folks are very interested in this legislation and in working with us to make it a national bill. Potato Days in Carbondale was fun with a lot of sunshine for the parade. Met with three town council members to discuss numerous issues and trying to set up a meeting and asked Ed to try and set up a meeting with the Town of Carbondale to discuss everything from band aid type living quarters to the new upcoming bridge in Carbondale that CDOT is working on and hopefully we can get a second bridge across the Roaring fork, Hwy 82 and looks like that may happen by next year. Friday the legislative priorities (32 different subjects) for Colorado ranging from tax and finance to actually land use and I will bring forward if anyone is interested.
Commissioner Houpt – added Rural Resort Region working hard on the beetle infestation as well. There is money allocated to Colorado to immediate address problem areas to prioritize the money. Important to look at measures and put money into research and a huge discussion on how to best use the wood to pull out of our forest. As a state they are trying to pool all resources.
Chairman Martin – invited Canada to sit with us – they have taken an approach; they have saturated every idea and have a green light to cut green timber; they can't keep up with the product being cut because the bugs are killing their forest so fast. They have found in British Columbia that they can't do what they call landscape protection, the only tool left they have to slow down the bugs and we will be facing that in the next three years is fire – fire will take care of the bug population. The bugs produce an anti-freeze and it would take an abnormal freeze, 35 degrees below zero right now to kill partial bug populations. It would need to be a sustained 3 – 5 week period to kill the bugs to slow them down. During the winter time, the bugs are prepared to combat the weather. They produce more and more antifreeze and can survive. Early fall or very late spring to kill these bugs. Need to use all our resources including fire; nothing can be left out and we will still lose 80% of the forest we know now. It is moving into Mexico – 35 identified beetles that are killing things. This will be a global issue soon.
Executive Session- Discuss an item on the agenda this afternoon.
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.

Sheriff - Victim Witness Assistance Program Coordinator
Grant to keep Vickie Jones going as the Victim Assistance Program Coordinator. Chairman Martin asked to have the Chair authorized to sign the renewal grant.
Commissioner Houpt so moved; Commissioner McCown – seconded; motion carried.
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 omitting b & c; carried.

REGULAR AGENDA
PUBLIC MEETINGS:
RANDY RUSSELL

Randy Russell is leaving to accept a job as Town Manager for Jerome, Arizona. He will report to work on November 3rd but needs time to sell his home and move. He expressed his appreciation and civil and nurturing work environmental for staff. Discussion was always held with mutual respect and to this county's credit because a lot of counties do not have that.
The weekly meetings with the attorney have been like going back to school. Don and Carolyn and Mildred and Marian were thanked.
Fred Jarman is loosing all his institutional memory with Mark Bean and Randy leaving.
Commissioner Houpt noted that Randy is a very intelligent and strong planner and appreciate all your strength and willingness and not so obvious concepts to the Board.

ANTERO OIL AND GAS LEASE DISCUSSION

Don DeFord, Carolyn Dahlgren, Scott Balcomb, Terry Dobkin and Brian Condie were present.
Carolyn – not given the BOCC the facts on the ground nor the legal advice of not accepting the lease and now the Commissioners have been given this. Consequently a motion to reconsider Antero's offer.
Antero – public document and will be recorded.

Commissioner Houpt made to reconsider the Antero offer. Commissioner McCown seconded. Motion carried.

Jesse explained that there was not a full discussion on the business aspects and apologized. Analyzed the lease offer and it is very good and has in it adequate protections, a bonus feature, a very good royalty rate with it and the amount of revenue will be based on how good the minerals are, with a one year – provides revenue from each well, a pooled area, no disturbance, a down hole location, County will share on any well drilled. Indemnity is included and if this lease is not accepted, the question is what's next and what next is called a Producer's 88 Lease which Antero would bring back to the County and it would not necessarily contain all of the initial provisions of the lease, it could be significant less, if this is declined by the County, then Antero would go before the COGGC and ask that a pool of all non-consenting owners be created which then would be a third lease back to the County which could be even less than the 2nd one and if the County declined to be part of that lease, then Antero would move ahead and once they had recovered 200% of their cost, then if it is a non-consenting pool the county would be part of that pool whether it wished to be or not and would accrue revenue share revenue and also share risk and eventually might have to write a check to cover liability if something negative happened or in the reclamation of the wells in that pooled area.
Commissioner Houpt – stewards of public assets. Couldn't support this contract last week and it does appear to be very competitive and feel compelled to make sure before a county decision is made.

Chairman Martin – this only goes to the Airport and the fund balance and must be returned to the airport. He corrected the newspaper – a lot of citizens have been forced pooling and get to pay the bill if there is an accident. Differs with that law and penalizes for not having to do that. Government shouldn't be forced into that. Nothing against any of the oil companies. This is a matter of principal and making your own choice.

Commissioner McCown – since he was the minority and voted for it initially, he has seen other lease contracts and the reason I voted for it, it was a good prudent contract. Should have alluded to more of his experiences but didn't anticipate it being voted down – this is a win win for the County, a bonus payment, we would be reluctant in our duties not to look at something like this – still believe it is wise to pursue this and move forward and made a motion to authorize the Chair to sign the lease contract as presented.
Commissioner Houpt – seconded. She agreed with John that the laws are obsolete and it seems to be unjust in looking at the laws of the people being forced into a situation.
In favor: Houpt – aye McCown – aye Opposed: Martin - aye
Chairman Martin opposed due to principal and feels we need to change things – he's against forced pooling and this is a tough pill to swallow.

– Dever Pad Issue and Renegotiation of the Size of Pad

Commissioner McCown – some re-negotiation was needed due to the size of the pad for the tank batteries to be better screened, and made a motion to approve that conceptually which will allow Terry to move forward and understands they are getting a rig ready to move in and need to start some dirt work and then this will appear next week on our Consent Agenda. Commissioner Houpt seconded.
In favor – McCown – aye Houpt – aye Martin - aye

PUBLIC HEARINGS: DISCUSSION OF THE 6TH SUPPLEMENT TO THE 2006 APPROVED BUDGET AND THE 6TH AMENDED APPROPIRATION OF FUNDS- PASTY HERNANDEZ

Patsy Hernandez, Don DeFord and Carolyn Dahlgren. 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.
Patsy explained and submitted the Resolution for approval.
Exhibit A – amount asking to be approved
Exhibit B – represents the additional request for budget and budget the actual amount of the mineral leasing funds.

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 6th supplemental to the 2006 approved budget and the 6th amended appropriation of funds.
In favor: Houpt – aye Martin – aye McCown - aye

CONSIDER A SPECIAL USE PERMIT FOR STORAGE/STAGING AREA IN THE PARACHUTE CREEK BASIN. APPLICANT: ENCANA OIL AND GAS USA, INC. – FRED JARMAN

Carolyn Dahlgren, Fred Jarman, Jimmy Smith and Brenda were present.
This is a continued hearing from September 18, 2006.
No additional exhibits were submitted. Exhibit A – G were acknowledged.
Fred discussed some new information that was submitted some late breaking information the Board doesn't have the benefit of having.
Chairman Martin renewed the oath and swore in new speakers.

REQUEST

The application is for storage / staging area for gas drilling equipment on 7.21 acres of an 88-acre property. This use requires a special use permit in the Resource Lands, Lower Valley Floor zone district. Specifically, the applicant is proposing to construct a staging area within the parcel to temporarily park drilling rigs and associated equipment while not actively drilling on a well pad. Additional equipment would include:

- Steel reserve pits;
- Mud pumps;
- Generators;
- Diesel engines;
- Drill collars; and
- Pipe Racks and down-hole casing

The property is located in the Parachute Creek Basin along County Road 215 and is generally characterized as 88 acres of relatively flat open rangeland vegetated primarily with sage and grasses. Property to the north has been developed by Williams by the construction of natural gas compressors and gas treatment facilities (now in their third phase of that facility); the property to the west is also Williams beyond Parachute Creek; the property to the east across CR 215 is the Puckett property currently being developed by Williams; and the property to the south has been developed by American Soda. This 88-acre property is the only undeveloped area between the Williams Natural Gas Facility and American Soda plant. See the map below:

The established character of the area is heavy industrial in nature. The storage / staging area will be the least impacting use in the area compared to its neighbors where only 7 of the 88 acres is used for storage of drilling rigs and associated pipes / materials.

Regarding lighting, the Applicant proposes to install minimal lighting for security purposes. Should the Board approve the request; Staff recommends that all exterior lighting shall be the minimum amount necessary and all exterior lighting will be directed inward and downward, towards the interior of the property. The Applicant has not proposed the use of signage on the property. Regarding signage, the Applicant shall be required to adhere to the county's sign code.

Staff Finding

The Applicant is proposing a storm water management plan that incorporates best management practices as required by the Colorado Department of Public Health and Safety for any disturbance over one acre and is included in the application binder. Specifically, this site calls for a detention pond to handle drainage flow to the southeast corner of the 7-acre site. There is no engineering specification for the detention pond and the flow it is intended to handle in the application. Staff has no idea what it is intended to achieve.

While no chemicals / fuels are to be stored at the site, Staff suggests due to the nature of the equipment being stored, that the Applicant file a Spill Prevention Control and Countermeasure (SPCC) plan with the County and have a copy on site for spills that may occur from vehicles / machinery in the area.

Due to the nature of storing equipment / rigs, there will be a minimum impact on adjacent land due to generation vapor, dust, smoke, noise, glare or vibration generated from the starting of trucks and equipment. As a matter of practice, the lot will be graveled with a dust free maintenance program. The Application states that this site will allow for maintenance to occur on the rigs and associated equipment yet there was not mention of how this is to occur and how many employees / trips are included in the operation.

No information was provided regarding impacts to wildlife. The subject property is an open / range land which may or may not serve as valuable elk / deer habitat / migration corridor especially in an effort to access water in South Parachute Creek that cuts across two portions of the west side of the property. This standard has not been met.

As mentioned above, the entrance for this road from CR 215 is the main entrance to the Williams Production Gas Treatment Facility to the north also known as "Man Camp Road." Williams improved this intersection in 2003 as a result of their phase 2 expansions. Since that point, phase 3 was approved by the Board and it was determined that the access was sufficient for William's

needs. It did not contemplate the proposed trips from this staging / storage use. The Applicant anticipates traffic trips generated from this use are characterized as the following:

1) 4 to 5 heavy haul trucks are used each time a rig is brought to site;
2) No more than 2 drill rigs will occupy the site at any one time with a total of one move per month; and
3) 3 pick-up truck trips per week.

The Application states that this facility will result in "rig traffic traveling to and from well sites may be reduced as much as 50 percent over time." Staff disagrees. The reason for this "rig storage / staging area" use is so that rigs can be temporarily housed in the drilling area rather than be sent back to a contract company which are out of the area and may be out of state in Utah, Wyoming, etc which may result in Encana losing the rig altogether. The rigs will still be traveling CR 215 either on the way from the drilled pad out of state or from the drilled pad to the staging area on CR 215. These pads are either in the north or south Parachute area. As a result, there is no net gain or loss in trips on the County's road system. (There may be a reduction on I-70 for rigs not having to go out of state.) This staging area simply allows Encana to keep the rigs local until a new receiver well pad is ready for the rigs allowing them to keep rigs around. In the best of worlds, the rigs would actually go from well pad to well pad and needed maintenance would occur on the pad prior to a new drill.

Staff finds this appears to represent a minimal amount of trips per week / year. Staff referred the application to the County Road & Bridge Department who indicated the proposal Garfield County Road & Bridge Department has no objection to this application with the following comments.

1) The reduced traffic on CR 215 will be a great benefit to Garfield County Road & Bridge Department and the people using CR 215.
2) The requested driveway access permit will be issued upon approval by the BOCC of this application with conditions specific to the driveway access permit.
3) A stop sign will be required (if not already installed) at the entrance to CR 215. The stop sign and installation shall be as required by the MUTCD (Manual on Uniform Traffic Control devices).
4) Should dust become an issue from the staging area then we would recommend that a dust control agent be applied to the staging area.

The access from CR 215 was analyzed by Holt, Felsberg and Ullevig on behalf of Williams for their SUP to the Phase 2 expansion of their gas plant. Traffic counts were taken visually on-site over 2- 24-hour periods. The traffic analysis considers the existing and proposed level of service at the Man camp Road/County Road #215 intersection is a Level of Service A. As a result, the Board approved phase 3 of the same operation. This included improvements such as striping and signage improvements that provided the safety necessary to serve the plant expansion and other traffic on County Road 215. It would appear the limited increase in traffic at this intersection from this proposal at its current level would not require any additional improvements.

The location of the site (7 acres of an 88 acre property) is buffered away from all adjacent uses primarily by open rangeland. The established character of the larger general area is heavy industrial in nature. The storage / staging area will be the least impacting use in the area compared to its neighbors where only 7 of the 88 acres is used for storage of drilling rigs and associated pipes / materials. Other adjoining uses within the area are industrial in nature and should not be damaged by this proposed expansion.

The Applicant does not propose any mitigation for impacts generated from the proposed operations.

The Applicant provided a landscaping and reclamation plan in the application, which included the following measures:

Landscaping

Due to the location of the facility, within sight distance of a public road and highway, measures such as painting and fencing of the facility will be taken to lessen the visual impact. Any areas disturbed by construction or operation activities that are not covered by buildings or parking area will be resurfaced with sand and gravel and graded flat or vegetated, as necessary.

Reclamation

The expected life of the Parachute warehouse and training center will be the duration of EnCana Oil & Gas operations in the Parachute area.
Reclamation will consist of the following:

- **Removal of all buildings and surface equipment**
- **Restoration and re-contouring of grade to approximately original conditions**
- **Replacement of stockpiled topsoil**
- **Compliance with all prevailing Garfield County regulations and conditions governing final reclamation**

This plan appears to be for a different use than what is proposed and is not acceptable.

STAFF RECOMMENDATION

Staff recommends the Board deny the Special Use Permit for "Storage / Staging Area of Gas Drilling Equipment" for Encana Oil & Gas, USA, Inc. Should the Board move to approve the request, Staff suggests 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 this facility is for the sole use of the Applicant/Operator. 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.
4. 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 and included here as follows:
    a. Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes.
    b. 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.
    d. 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.
    e. Storage of flammable or explosive solids or gases shall be in accordance with accepted standards and laws and shall comply with the national, state and local fire codes and written recommendations/comments from the appropriate local protection district regarding compliance with the appropriate codes.
    f. No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by any reasonably foreseeable natural causes or forces.
    g. All equipment storage will be enclosed in an area with screening at least eight (8) feet in height and obscured from view at the same elevation or lower. Screening may include berming, landscaping, sight obscuring fencing or a combination of any of these methods.
    h. Any repair and maintenance activity requiring the use of equipment that will generate noise, odors or glare beyond the property boundaries will be conducted within a building or outdoors during the hours of 8 a.m. to 6 p.m., Mon.-Fri.
    i. Loading and unloading of vehicles shall be conducted on private property and may not be conducted on any public right-of-way.
    j. Any storage area for uses not associated with natural resources shall not exceed ten (10) acres in size.
    k. Any lighting of storage area shall be pointed downward and inward to the property center and shaded to prevent direct reflection on adjacent property.
5. The Applicant shall provide a "Landscaping and Reclamation Plan" that has been approved by the County Vegetation Department prior to the issuance of a Special Use Permit.
6. The Applicant shall meet with a representative of the Division of Wildlife on the property in order to prepare a wildlife mitigation plan for the property such that it addresses any impacts on wildlife through the creation of hazardous attractions, alteration of existing native vegetation, blockade of migration routes, use patterns or other disruptions. This plan shall be submitted to the County for approval prior to issuance of the Special Use Permit.
7. The Applicant shall file a Spill Prevention Control and Countermeasure (SPCC) plan with the County and have a copy on site for spills that may occur from vehicles / machinery in the area.
8. The Applicant shall obtain a driveway access permit from the County Road and Bridge Department and shall adhere to conditions specific to the driveway access permit. A stop sign will be required (if not already installed) at the entrance to CR 215. The stop sign and installation shall be as required by the MUTCD (Manual on Uniform Traffic Control devices).
9. Should dust become an issue from the staging area, a dust control agent shall be applied to the staging area.
10. No development activity shall occur at this property until all of these conditions have been met and a Special Use Permit has been issued by Garfield County Board of County Commissioners.

Fred stated that when this was originally brought to the Board on September 18th, the staff had recommended denial, however the applicant has provided additional details of the plan and this has changed the staff's mind. The late breaking information satisfies what we are looking for.

Exhibit H – Email from Steve, new reclamation plan for noxious weeds. 7.2 acres to be reclaimed at $4,000 per acre, $28,000 for reclamation security. And Exhibit I – stipulations. Chairman Martin entered the Exhibit H and Exhibit I into the record.

This application is now acceptable to staff and suggested a different approach – approval with conditions or perhaps continuing this to the next meeting for Michael Erion to present.

Applicant: Jimmy Smith with Wagon Wheel Consulting presented.

The delay in submitting the submittal information was to present this to a professional staff. Thursday morning this was submitted and understands the time for staff to review. To address the maintenance traffic – significant reduction in traffic and the maintenance was occurring anyway but to go all the way for additional maintenance remains the same and comes from different sources. Wildlife surveys – Williams had in the past and EnCana has established a wildlife corridor and EnCana continues to honor and maintain the corridor for access.
This project lies in-between two industrial areas on property formerly owned by Tom Brown and there is no livestock on this property. The type of development proposed on this parcel and the need for the application, maintenance on drilling rigs most times occurs after the fact and this allows the rig to have down time and translates into reduced traffic and accidents.
This project is requested on the North Parachute District.
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 SUP for the storage/staging area in the Parachute Creek Basin for Encana Oil and Gas USA, Inc on County Road 215 with the conditions of staff as noted in our packet adding Condition No. 11 which would be merely to state that we would adopt conditions that were presented in Exhibit H and Exhibit I as stipulations, Number 12 - a stamped drainage plan would be reviewed and approved by our engineer prior to the issuance of the Special Use Permit.
In favor: Houpt – aye Martin – aye McCown – aye

Public Comment from Citizens Not on the Agenda
Mary Ellen Denomy – Oil and Gas Audit
Mary Ellen - thank you commissioners for placing your trust in me to help train and assist the County Assessor in critical oil and gas audits. In the two years that I have been working for the County Commissioners the County Assessor has been incapable of undertaking an oil and gas audit that meets the criteria of any professional accounting protocols. Further, the County Assessor has claimed to have begun or completed oil and gas audits, I cannot ascertain from the documents that I have been allowed to see by the Assessor whether this is true and correct. In fact, the County Assessor is logging into one of the office computers using my name as a user name and a password to which I am not privy. This creates a professional dilemma for me. One of the services that I was asked by the Commission to perform was the training of the Assessors office staff. A number of hours of the time I spent at the Assessor's office and billed to the County was remedial computer literacy training which should have been done on a regular basis, it is not cost effective for me to be training staff things that they could learn and should be learned at Colorado Mountain College.

I cannot continue to assist the County with oil and gas audits if the County Assessor is not open, candid and forthcoming with necessary documents. State law allows the County Assessor to share confidential business documents with the County contractor. If, as I have been asked to by the County Assessor, I would be required to appear at Board of Assessment appeal hearing and possibly in court on behalf of Garfield County, I would not be able to defend the County based on my participation thus far.

Rules, regulations and procedures for conducting audits by a professional accountant with my certifications are very specific and mandatory. I cannot jeopardize my professional standing or put the County Commissioners in the position of claiming that audits are being performed when in fact they do not meet the professional criteria. I continue to believe that Garfield County has not received all of the ad valorem tax revenues from oil and gas producers that statute requires. We all need to be reminded that the statue of limitations on the increasing amounts of oil and gas production value is running. I will be glad to assist Garfield County in the future if the Board of County Commissioners chooses to ask me to do independent professional audits of oil and gas taxes. Thank you.
Chairman Martin – yes, Bill
Bill Kaufman – I'd like to take a couple minutes of your time, my name is Bill Kaufman, I wear a lot of hats and I'm an attorney, I think most of you know me but I also own an oil and gas company called APICCA, LLC. We have drilled wells in partnership with Vessels who sold to Calpine and we drilled wells with Calpine and then Calpine sold to Barrett and we are now partners with Barrett unfortunately and we are not receiving our revenue as required by law from Barrett, nor are the people who share in the landowner's interest in the area. We have about 70 wells down in partnership with them and our revenues are not coming in right, the people who own the land that we're drilling on are not getting the proper amount of money and I'm sure the County is not getting a proper amount of money. Now Ms. Denomy has been very effective helping us in auditing Barrett and helping us to recover our money from Barrett but I feel I'm being short-changed and the people of this County are being short-changed in two ways, if they own property they're not getting the property royalty, if they're just citizens they're not getting it because the County's not getting the proper amount of money and I don't know of anyone that's even being close to being as capable as Ms. Denomy to make this audit and require Barrett and the other companies. I can only speak for Barrett because that's the only one I'm drilling with but I know the other companies are doing it too from my discussion with other attorney's and I think the County is being terribly short-changed and the County is so lucky if they could keep Ms. Denomy and if she's attempting to resign from her position I would request that you refuse to accept it and keep her on your staff. She's a very very competent lady and she's a very competent auditor and accountant.
Chairman Martin – thank you Bill. Anyone else. All other people are here in reference to something on the agenda. We'll go ahead and take that under consideration and go from there.
Commissioner Houpt – so, Mary Ellen was that a resignation?
Mary Ellen Denomy – that was a termination of my duties for the County. I cannot continue in the position that I'm in.

Commissioner Houpt – and is that because you believe the functions you were conducting weren't consistent with your contract or?
Mary Ellen Denomy – they're not consistent with the professional requirements that I must comply with for my certifications and I cannot put my professional certifications in jeopardy to continue in the manner that I'm doing.
Chairman Martin – and you entered into a contract which was then sent to the Treasurer who holds that contract which we've assigned to her, are you resigning from the Assessor's office under that contract which will come back to us.
Mary Ellen Denomy – yes.
Chairman Martin – so we've got the pecking order right, it's not as straight forward as everybody thinks it was. All right.
Bill Kaufman – my request is for the Commissioners not to accept it.
Commissioner Houpt – well I would like to – I didn't know she was going to come in here and put this forward, but it would be nice to know how you want to move forward if you stayed, I mean the whole purpose was to move audits forward and what I'm hearing from you is that your expertise is not fitting into the direction that we're going at this point. It's not compatible with what you bring to us as a consultant?
Mary Ellen Denomy – I'm just going to reference the audits that I have been under contract with other counties. The duties that an auditor must follow, they must follow requirements that their certifications they are a CPA they credit petroleum accounting standards as well as the State of Colorado standards and through most of this last two years I have spent most of my time not being able to expand, to see the documents that I need to compare one to the other and to attest to those documents in the court, such as the Board of Assessment appeals or a court of law, I cannot sit on a stand and say I believe that this audit or these numbers or the way it was done was appropriate and its unnecessary for this County to spend any money for me to go in and do computer training, question and answers when the ultimate results are going to be – there will probably be an appeal made for any other taxes that are asked for and it would be not in – I cannot defend the answers. And I don't want to – spend the County's money for something that I cannot complete because of the manner the Assessor is doing the audits.
Chairman Martin – okay, you brought it to our attention, we do not see day to day activity or give you direction, and we assign that contract to the Assessor. So you're telling us you can't live up to that because of the burdens that the Assessor has put on you, is that correct?
Mary Ellen Denomy – that is correct.
Chairman Martin – okay.
Bill Kaufman – can't hear him clearly
Mary Ellen Denomy – that is correct, my scope has been limited.
Chairman Martin – being not on the agenda, I can't take action accepting or not accepting. We'll take it under advisement and we'll look at the scope of service, review the contract one more time and what the requirements are both with us, you and the Assessor and then we'll come back and we'll be in contact with you in reference to the termination or not of that contract. All right. That's the best I can do.
Bill Kaufman – she has a great deal of support.

PUBLIC MEETINGS: WHITEWATER PARK FUNDING – JOE MILLICA & DAVIS FARRAR
Jason Kerry presented and Joe Millica and Davis Farrar were present.
Jason stated that he spoke a year ago about it. Ad hoc committee made up of a 9 member committee selected by Glenwood City Council. A total of 4 meetings were held and they established the goals of the project and guide the design process. This will have a positive impact in the areas where built. It is an investment in youth, economy of the River and image.
In 2005 the valley has created a $13.8 million economy from rafting.
The timelines are to obtain a GOCO grant in March, receive in July 2007 and go out to bid in August 2007 and start construction after January 2008. They are hopeful that the County will be a funding participant in this project. Hopefully to sell the name for the park – ESPN level park – in line camera to go on the Internet to see what the river is doing – post ESPN events
Budget – Glenwood Springs - $34,000 and hopefully $300,000
Budget $100,000 in 2007 and come back for an additional $100,000 in 2008 – will draw people locally, statewide and nationally.
Picture having the ability to go on a bike path all the way from Shoshone to South Canyon and
Kayaking is to water what snowboarding is to snow.
River is a real asset for the communities.
Davis said in terms of fishing – DOW will provide input to Corp of Engineers, this will be an EIA enhancement.
Jason Kerry – a fact gaining a lot of momentum – EIA stewardship – gets people interested in the river system and want to protect it. When citing these river parks, look at areas where the river has been impacted with highway construction and not pristine EIA areas.
Bruce – background – this is a project of Glenwood Springs. The project's been driving from people not just Glenwood but Carbondale; we feel this provides another element to our communities. When you look at what's happening in Salida and their River Park – every age is interacting with each other and would like to see it here. See with the Colorado River we could have Olympian in Garfield County – ultimately in the future it would be an attraction to bring people here to provide something that is energetic and wholesome of locals to participate.
Joe – we can guarantee their hard work on this project to make sure the work is done right.
Davis – senior calls on this stretch of the river – not sure of the politics.
Chairman Martin – asked about access issues on BLM land and CDOT right of way.
Commissioner Houpt – would support this and bringing that to this discussion occurring on the 13th. Good to have more detailed numbers on where the $100,000 will go.
Itemized costs per Jason – design costs – our request are based on preliminary numbers.

Chairman Martin – IGA with the City or an out and out grant – different sources – performance clause – will look at it and see what will work.
Bruce – City will provide whatever.
Carolyn – will be a City Park in the end
Bruce – City will probably donate the land on both sides of the river.

CONSIDER THE APPROVAL AND AUTHORIZATION OF THE CHAIRMAN TO SIGN A FINAL PLAT AND SUBDIVISION AGREEMENT FOR THE PINYON WOODS SUBDIVISION. APPLICANT: ROCKY MOUNTAIN MANSION, LLC. (Callicotte Ranch)

Request this be withdrawn from the agenda – information was not available and like to reschedule until next week.

PUBLIC HEARINGS: CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR STORAGE,
PROCESSING AND MATERIAL HANDLING OF NATURAL RESOURCE, NATURAL GAS COMPRESSORS LOCATED APPROXIMATELY 3 MILES SOUTHWEST OF PARACHUTE, NEAR THE INTERSECTION OF CR 300 AND HWY. 6. APPLICANTS: WILLIAM PATTERSON, RODNEY C. POWER, RONALD AND MARIE TIPPING ON BEHALF OF ENCANA OIL AND GAS, USA, INC. – MARK BEAN (Orchard Mesa)

Carolyn Dahlgren, Mark Bean, and several members on the application including – Brad Archon. – Brenda Harding – coordinator for EnCana 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 Staff Report dated 10-09-2006; Exhibit E -Application materials; and Exhibit G – Email from Jake Mall, County Road and Bridge Department dated 10-02-2006. Exhibit H – email from Martha Berry dated today, and Exhibit I - letter from Bud Strong Chairman Martin entered Exhibits A – I into the record.
Mark stated this is located approximately three (3) miles southwest of Parachute and southeast of the intersection of CR 300 and HWY 6 – Orchard Mesa on a parcel of Six Acres.

This Special Use Permit (SUP) application is to amend a previous application for "Storage, Processing, and Material Handling of Natural Resource" for Natural Gas Compressors and ancillary facilities 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 presently has three (3) gas driven compressors connected to a pipeline that is 12" in diameter and less 1000' in length.

Under the 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. It was previously determined that base on the pipeline regulations, this compressor site would not be under the purview of the County. Thus, it was not subject to the County Special Use Permit process.

Since the existing operation has gone into operation, the County started receiving complaints about the noise levels. The initial application material submitted in support of this application indicated that the County had preformed a noise study and determined that the existing compressors meet the Colorado Oil and Gas Conservation Commission (COGCC) regulations. Subsequent separate noise measurement analysis by COGCC staff has resulted in a Notice of Alleged Violation of COGCC Rule 802. The ambient noise level without the compressors operating was 48.8 dbA at a distance of 350 ft. and after turning them on the noise level went to 64.4 dbA. Noise level maximums are 55 dbA from 7 am to 7 pm and 50 dbA from 7pm to 7am. The applicants were ordered to install noise abatement measures to bring the facility into compliance with the COGCC regulations.

The applicant has submitted all State and Federal associated permits with the application materials for this Special Use Permit.

As noted in the previous application, EnCana Oil and Gas USA, Inc developed a compressor station facility to provide dehydration, hydrate formation protection, and compression for produced natural gas from the area. 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 existing station is in operation 24 hours a day 365 days a year for 20 years.

This application is to install and operate an additional five (5) natural gas-driven engines and two (2) electric-driven compressors and related ancillary equipment to the site. With the addition of these compressors, the facility would have eight (8) natural gas driven compressors and two (2) electric-driven compressors and related ancillary equipment. It is proposed to add the five natural gas-driven compressors by the end of 2006, then an additional electric-driven compressor in 2007 and 2008. The original SUP stipulated that the natural gas-driven compressors would be converted to electrical power as soon as electrical power is available. It has been determined that the power distribution system is only capable of handling the installation of two (2) electric-drive compressors.

The actual phasing of the installation of the compressors may vary in terms of timing and the number of them installed. Encana plans to increase production in the Piceance Basin by approximately 100 to 200 million standard cubic feet per day, each year, for the next several years. The existing capacity of the

Orchard Station is 23 mscf/day. The proposed expansion would enlarge the capacity to approximately 160 mscf/day.

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 and will not require any domestic water supply or sewage treatment. The applicant has prepared and utilizes a Storm Water Management Plan (SWMP) and Spill, Prevention, Control and Countermeasure Plan (SPCC) for the existing site and has a plan for the expanded site to deal with surface runoff. 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 for the previous SUP. To date, the applicants have not completed the required paving or concreting of the apron at the entrance to the County road. The apron should be 100 ft. wide by 20 ft. long into the driveway and a minimum of 4 inches in depth. 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. The nearest residential use is 2912 ft. to the southeast and across the Colorado River from the existing site. 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 application states that there will be no smoke or glare from the proposed compressors. Any exhausted air shall meet all State and Federal guidelines. The applicant has submitted proper documentation of all State permits. Fugitive dust will be controlled on the site by water, gravel, tackifier or other measures. The compressors will create a vibration, but it will not extend off the property.

As noted previously, the applicant has been cited for violating the COGCC noise standards. Included in the application is a Noise Mitigation Plan, in which it is proposed to install specially designed buildings and cooler silencers to meet the State noise standards. The building will be installed over the engine and compressor portion of the skid, with cooler silencers installed over the inlet and discharge portion of the coolers. The buildings will be made of special material designed to absorb and contain the noise from the equipment. The material is made of perforated interior sheet metal covering a layer of mineral wool insulation. All of the facilities will be designed based upon the results of the noise study done in August of 2006.
The applicant submitted information concerning impacts to wildlife. The study determined that the site location and immediate vicinity is poor quality wildlife habitat and the additional compressors will not adversely affect the wildlife in the area.

During the construction phase there will be an increase of approximately six vehicles per day. The gas-driven compressors can be installed in 2 to 8 weeks and the electric-driven compressors in 2 to 3 months. Since the compressors are monitored remotely, there will be no employees going to the site on a regular basis.

The site is isolated from abutting uses; the nearest residence is more than ½ 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 built a six-foot high fence around the entire perimeter of the site to provide safety and security.

The applicant is proposing that the following rehabilitation measures be agreed upon by the Planning Director at a meeting on the site, prior to abandonment:

6. Removal of all surface equipment
7. Restoration and re-contouring of grade to approximate original conditions
8. Replacement of stockpiled topsoil
4. Reseeding with certified weed free native species seed mix.

The applicant has submitted a weed inventory and a weed management plan for the site.

It shall be at the discretion of the Board to determine whether security is needed.

The applicant has proposed to mitigate all impacts and comply with all standards.

As noted previously, the applicant is presently in violation of the COGCC Regulations regarding noise being generated from the site. The application includes a proposed Noise Mitigation Plan, which is intended to ensure that the compressors will come into compliance with the COGCC noise standards and the future compressors will operate within the legal levels.

The applicant has stated in the application that no vibration will be perceptible at the boundary line of the facility

The application states that the facility will not create smoke and that the only particulate matter from the site will be due to dust, which they propose to use water and other means to keep it down. The applicant is aware of and will meet all Federal and State air quality standards. Air emission permits have been acquired for the initial compressors and will acquire them for the compressors to be installed.

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 is 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 heavy equipment storage, other than the machinery that will be enclosed in the compressor building is proposed on this site.

The applicant has stated that all lighting is downward and inward and no light will reflect 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 RECOMENDATION: Staff is recommending the board approve the Special Use Permit to allow a Natural Gas Compressor Station Facility with a total of eight (8) gas-driven compressors and two (2) electric-driven compressors and appurtenant equipment, 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 sound, 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. Prior to the installation of any additional compressors, the applicant will complete the required paving or concreting of the apron at the entrance to the County road as required by the County Road & Bridge Department. The apron should be 100 ft. wide by 20 ft. long into the driveway and a minimum of 4 inches in depth.
6. Prior to the installation of any additional compressors, the applicant will build the proposed buildings for the existing compressors and demonstrate through a sound study compliance with the COGCC Rule 802, Noise Standards. The sound study will be done by an independent sound engineer acceptable to the Board of County Commissioners.
7. As each compressor or set of compressors is added to the site, prior to putting them into full operation, the applicant will demonstrate that the additional compressors are in compliance with the COGCC Rule 802, Noise Standards by doing a sound study. A copy of the study will be submitted to the County Planning Department and County Environmental Health Manager, County Health Department verifying compliance with the noise standards. The sound study will be done by an independent sound engineer acceptable to the Board of County Commissioners.
8. The proposed phasing of the installation of the compressors cannot be accelerated, but the phasing can be modified by the installation of a lesser number of compressors over a longer time period, to meet the company's demand for additional capacity.
9. Any of the gas-driven engines on a compressor may be converted to an electric-driven engine without amendment to this permit application.
10. 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.

Mark received comments from a property owner last week and asked to have their house have some visual screening – they claim the noise study is not correct – they will be the primary people noting the violations and calling the Commissioners at one time or another.
Mark read some of the staff conditions into the record.

Mark made a statement for clarification regarding some rumors on the County restricting the compliance presently, the County staff took a position 4 -5 months ago when this issue started to rise in terms of the noise that the applicants would need to modify the existing permit before they could put buildings on the site itself to mitigate the sound, so yes at that point the County was saying they could not put the buildings on them. 4 – 6 weeks ago we had preliminary discussions with legal staff and determined that this would not be necessary and have advised Encana that they can and could apply for building permits before this permit was approved.
Carolyn – assume the noise studies would be done at EnCana's expense.

Brad Acherman – in regards to the map the one gentleman who complained about his residence not being properly located on the map, the day we had the company out there doing the test, he couldn't be reached and therefore I did not let them on his property so they took the sound study at the edge of the driveway going into his property and that's where they noted it on the map and it's noted as a resident on the map. EnCana is proposing here to install up to 8 gas compressors total on the property with 2 electric. Plan is to install the first electric in May 07 and second in January of 08 – installing the noise equipment on the 3 existing gas driven compressors and this will be done by January 07 and that's following COGCC regulations – the 3rd electric drive compressor is contingent on the Xcel distribution system noted. All electric drive compressors will be installed in a building with special sound reduction and it will be built before the new compressors will start up. In the application where we applied for the 5 additional gas

driven, EnCana's current plans do not include the addition of the 5 because the volumes have changed since the time we submitted this, so basically we are looking at the 3 existing gas compressors, add the additional electric in May of 07 and bring on the other electric in January 08. All of these will meet the standards of the COGCC. We have contacted Enviro Noise and they have 3 levels of sound mitigation that they install and we're looking at their maximum which is called their zero impact noise suppression, a typical compressor, one at a 115 feet distance would emit a 40 dba level which is at nighttime 10dba underneath the 115 and at 200 feet it would put down to 35 dba. – we will be well under the COGCC regulations and COGCC regulations don't look at it as one compressor at a time, you're looking at the overall station so it doesn't matter if we have one or eight – we still have to stay within their regulations and that's why we're going with the zero impact.
Chairman Martin – one creates 35 dba and two do not do 70 dba – there's a study that shows exactly how that sound is mitigated within itself.
Exhibit – J – photo of the building. Chairman Martin admitted Exhibit J.
Submitting for building permits for buildings over the three existing compressors.
The electric will be housed in the same building. The building is 280" by 465" or 23' x 38' buildings. – need this size building due to the noise compression, the size of the cooler suppression and the inlet and outlet of the cooler. Another unique feature – moving the air, all the exhaust fans are built with the same material and do not get any sound from the exhaust.
Commissioner Houpt – would you consider switching to electric is that becomes available?
Brad - With the gas driven versus the electric you reach a point that you need supplemental compression because of the volumes. The economics of all of this is proven that the electric compression is the way to go here.

Walt Brown, representing the Strongs. Bud Strong is the owner of the property adjacent to the west. Bud Strong and George Strong –18 acre – site plan – to the west – did receive a site plan. George was at a meeting conducted by EnCana and the biggest concern they have is getting into this electric compressor and that is we are all waiting to bring electricity in and if they aren't going to use 5 compressors, fine, no objections to the plans are okay. The concern is that the gas compressors are emitting vapors that are condemning the property of Strong's in terms of smell. And that's the problem. At the present, the Strong's property has noting on it but we are coming in with a plan to build a building – distribution to the – review it every years – cut down the gas compressors – nothing to make this happen – Xcel to supply the electric. Concerned about the vapor what they might put there in the future.
George Strong – good meeting and a good plan – who is holding them accountable; he would like to get his two concerns addressed.
Walt – Strong's will build a building and the vapor can be a problem – at the time the building is in and occupied – need to make sure.
Brad – vapor – call it exhaust – this is outside the building – all compressors are installed. He is referring to natural gas fumes – will pursue ways to get these fumes higher.
Commissioner McCown – prevailing winds are west to east.
Chairman Martin – looking for an annual review.
George Strong – electric is coming – a good plan but the timelines are not addressed.
Rob – if they are allowed to do the mitigation – they will be okay. The buildings work very well.
Brad – plans when they start the first electric they will leave the gas compressors – listen – add the second electric and enough capacity to shut down the three gas compressors at Orchard and use them for maintenance.
Rob Sykes – the electric capacity will be 40 million a day and gas will do 10 million a day.
Brad – 40 and 50 is the electric and getting 8 – 9 out of one gas compressors.
Brenda – we would like to keep the option of 5 compressors because when we projected this it was off the June productions and in September there was a decrease from 8 back to 3, but on the off change that production volumes swing back up we would like to keep the option open that in 6 months if necessary to install 3 or 4 additional gas engines then we have the option and won't have to come back for an additional SUP.
Brad – that's why we went with the zero impact because of the additional compressions to keep us below the levels.
Walt Brown – make sure it is referred if they are gas compressors. Add a Condition – a review process.
Mark – have to comply with all the standards and contain all fumes on site and would not be in and could have a hearing if it's a problem – they are required to comply with that. They have said they will comply with the regulations.
Mark if there are fumes going off the property they have to mitigate it to keep the current SUP in place and the same would be true if they added in other compressors. They are required to keep all fumes on site, so if they're not in complaint with those requirements the Board has the ability to have a hearing to consider revocation of the permit in place or come up with a Resolution to the issue that you find acceptable during that hearing.
Commissioner McCown - Odor is not an issue, fumes – feedlots have an odor and it won't hurt you – we don't have an odor ordinance. Define fumes – zoning does not define that – and if not compliant the Board could have a hearing and come up with a mitigation condition.
Brad – in a production facility fumes are determined as tank vapors, that kind of stuff, which is measured in a B-Text level where this is not measured. The exhaust is measured for NOX and CO and that kind of stuff but there is not true, what do you call a fume.
Chairman Martin – we touch on it under 503.08-04 – emissions of glare, heat, radition fumes and every use shall be so operated that it does not emit these and that it does not interfere with the existing use of adjoining properties which constitute a public nuisance or hazard and if we have a public nuisance in reference to that and feel that the odor is a nuisance, not a health issue, it will come under us and we will work to get that done and that would be Mr. Rada.

Commissioner McCown – not sure where the burden of proof would fall on the origin of that odor. Is it coming from a compressor or from a well heater, or interstate, a train that just went by.
Mark – 503-07 also is a requirement they would have to comply with – saying the same thing – on adjacent land from generation of dust, smoke glare, or vibration or other emitions s is identified and mitigated.
Brad – after meeting with the Strongs, we are looking into the odor from the fumes.
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 to allow the natural gas compressor station facility with a total of 8 gas driven compressors and 2 electric driven compressors and appurtenant equipment with the condition making the change on No. 4 to read, " if any other entities are to add facilities or equipment, they would be subject to an additional SUP", No. 6 to read, "the sound study will be done at the applicants expense", No. 7 to include the same verbiage and adding No. 11 – "that a review administratively of this SUP will occur in one year from the issuance of the SUP regarding the status of the industrial standards and this will be done by staff, if there are any problems it will be called up for review by the County Commissioners and possible revocation.
Commissioner Houpt – have two additions if you'll consider them, On No. 9 – "changing the wording to all the gas driven engines on a compressor shall be converted to electric driven engines without amendment to the permit application when electrical power is available." That way there is the expectation that they're changed over to electric when capacity is there.
Commissioner McCown – won't consider that because the gas engines can be taken away and used other places, those compressors can be moved off-site and I don't want to require them to put an electric engine on that compressor just because electric is available, because electricity may not be available at another location. If electricity is available they will convert and these gas compressors as I understand it will be taken away and used at other locations.
Commissioner Houpt – which is fine, but I'm saying there are still 5 compressors that haven't been brought in and if there's capacity I'd like to see them bring in electric instead of gas.
Commissioner McCown – what good would the electric do if there's no power to them. They testified to that, they are going to put electric compressors in ……..
Commissioner Houpt – I just made it into a requirement instead of a suggestion. No. 12 would be that they develop a screening plan to accommodate the neighbors concern with a berm and vegetation plan.
Commissioner McCown – how high would that berm have to be to screen the neighbors? Some of these berms are uglier that the buildings.
Brad – we originally met with Mr. Tipping about putting a berm there and he wouldn't allow it.
Commissioner Houpt – need a screening plan to accommodate the neighbor's concerns. We like to protect the character of the neighborhood.
Brenda – the site is adjacent to a gravel pit.
Commissioner McCown – it may be better to allow EnCana to enter into an agreement to put the vegetation around
Commissioner Houpt – should be a condition of approval.
Commissioner McCown – don't like adding conditions and aren't practically – not fair of transplantation of Junipers 40 feet tall.
Commissioner Houpt – breaks up the industrial view.
Mark – provide screening on the complainant's property to see if that's a possibility.
Commissioner McCown – by mitigating the noise, then the buildings, an orange curtain by Cristo might help.
Commissioner Houpt – more general condition – agreeable to the neighbor and EnCana.
Carolyn – remember EnCana does not own this property, they are tenants – may be treading here. Larry's suggestion is better and having EnCana addressing it.

Commissioner McCown – work with neighbors to work on mitigation of view shed -
Mark - staff concern –we would want a letter from the neighbor's that they are satisfied.
Commissioner McCown – We have required screening on a project directly across the river from this and you can see everything in that yard from ½ east of it, when you get up to it, all you see is this ugly green chain link fence with slats in it – I don't think screening works – to me it would look better if you could have seen through that and you can see what's in there from ½ mile on either side of it anyway. I will make that No. 12. Commissioner Houpt asked about the electric driven compressors she suggested.
Commissioner McCown - no problem adding that.
Commissioner Houpt seconded the motion.
In favor: Houpt – aye McCown – aye Martin – AYE.

Executive Session – Mary Ellen Denomy's resignation
Don DeFord requested a brief opportunity to discuss pertinent information regarding contract rights relative to providing services for the Assessor's office – and asked that the Board receive information from Shannon Hurst and Sean Court as well.
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 – in terms of public action the Board needs to authorize a press release and official statement in response to the written status of her contract and do not believe a breach of the agreement and also setting forth the position of the BOCC in terms of the existing contract.
Don – we'll put together a statement of the Board
Commissioner McCown – so moved. Commissioner Houpt – seconded.
In favor: Houpt – aye McCown – aye Martin – aye
ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

OCTOBER 16, 2006
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 16, 2006 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

- ***Consideration/acceptance of Real Property Donation from West Glenwood Springs Sanitation District Re: South Glenwood Trail***

Don DeFord, Jeff Nelson, Larry Dragon, and Nick Simm were present.
Don explained the donation and property as it lies in the City of Glenwood Springs. The property owners wish to use the donation as a tax deduction and is the property owner's responsibility to determine the fair market value of the property for tax purposes.
Jeff stated that we have right of way to build the trail. The trail is well within the CDOT right of way except in the Sanitation District.
Nick stated they understand we will need staging areas and CDOT is allowing access.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to accept the right of way donations and the Chair be authorized to sign.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Consideration/approval of Special Warranty Easement Deed and Agreement with West Glenwood Springs Sanitation District Re: South Canyon Trail***

The donation accepts the easement deed.

- ***Consideration/approval of Bike/Pedestrian Trail License with CDOT Re: South Canyon Trail***

Jeff Nelson reviewed the most recent version of the License Agreement between CDOT and Garfield County regarding construction of the South Canyon Trail.
Four months for one single document – Jeff has looked at this and all concerns were met.
Don stated he would be requesting action on these three things: 1) authorize donation agreement and 2) then accepts the easement deed and 3) procedure to take action on the licenses agreement relative to the legal description.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to accept the Bike Pedestrian Trail License with CDOT and authorize the Chair to sign.
Commissioner McCown – I think it is completely inappropriate for Garfield County to have an easement in a right of way in a federally controlled highway system, I have opposed it from the beginning and I just don't think it is the proper way to proceed. CDOT should be at the helm of this ship rather than Garfield County; I don't think we have standing in any other issues when we deal with the federal highway system as far as permitting and don't think we should on this one. I still have concerns that we are responsible for maintenance in the part of a federally controlled highway system right of way and I have grave concerns about it affecting us adversely in the future.
Chairman Martin – it is subject to removal on request of the federal highway and CDOT.
Commissioner Houpt – I do hope this won't be a habit of CDOT, but I think it's important to start and hopefully it will be the only section that we have to maintain.
John Hoffman – there may be one further section and that's the rest of South Canyon to Canyon Creek, so after that I think that's the only section where they're not alternative possibility of routes.
Commissioner Houpt – it depends upon future negotiations.
In favor: Houpt – aye Martin – aye McCown - aye

- ***Sunnyside Grant Request – Tresi Houpt***

We all received a phone call from the Sunnyside Retirement Center last week; they've been working on turning a portion of their facility into three more units for affordable housing for seniors. We do have money they are requesting in our budget and also disclosed that her husband is on the Board at the Sunnyside and left it up to John and Larry as to whether she should remove herself from this discussion.
Commissioner McCown – accepted her removal from the discussion and also said this would be coming out of the human service grant and if so we were asked in the past not to make those grants without the review of the Human Services grant reviewing them first.
Commissioner Houpt – that is pretty accessible money but if we wanted to support this project, there are funds in the county budget for this type of project.
Commissioner McCown – supports this project but asked to hear more about it. The $50,000 they are asking for is just guarantee money; they may or may not spend it and asked for more clarity.
Dale Snearly – on the Board of the Garfield County Housing Authority and has been on the board for many years. Sunnyside has been in existence since 1983 and we've always provided quality housing for

seniors and that's the goal. The part that we're remodeling is Club 60 and it was a separate entity from Sunnyside and we provide meal service for their residences for a number of years and then the attendance dropped and we gave up serving meals and rented part of the dining room to Lift-Up and now the best use of that area is for housing because of the demand in the area. We sold the kitchen equipment and have that space available to put in a one 2-bedroom apartment and a 1-bedroom apartment and a studio apartment. We have a loan commitment from Chafa for $300,000 and then they took the existing loan of $79 and rolled it into that and gave us a net of $221,000. We have a contract signed for construction and remodeling for $221,000 but then Chafa in their loan agreement said that before they could close the loan we have to have the $50,000 cushion for cost overruns on the construction, interest reserve account and a rental vacancy reserve account. We may not spend that money; it just sits there for our use in case we do need it. Right now we have forty-three people on the waiting list for vacancy for Sunnyside. The request is to help over this last hump in order to close the loan – any delay will run this cost up 20% - need to get this amount on board.

Commissioner McCown asked Don assuming this was handled as a normal grant with specific performance involved, is there a provision for a return for grant money if it is unused – this is a security and would like to help these folks out and if not used he would expect the money to come back in and utilized by other folks as well.

Don – yes – we have had that provision in the past in some of our agreements.

Dale Snearly agreed it would fit

Ernie Delco and Accounting advisor Stan were introduced.

Chairman Martin stated the county still owns the property underneath the building and they pay an annual rent of $1.00 a year for the land.

Chairman Martin - there was a provision in that contract that said that there must be a food preparation and asked if we should revise that or make adjustments to the contract, we're actually violating our own lease and making it impossible for these folks to live up to that agreement.

Don – it's up to the Board, it's in your lease.

Chairman Martin would like to have the lease come back.

A motion was made by Commissioner McCown to grant the $50,000 "bridge" grant to ensure that the construction can go forward with the renovation of the Club 60 space that had been used for food preparation and that the remodel would entail one 2-bedroom and 1-bedreoom, they'd to 3 additional residential units provided and that it be written in the contract that if this money is not needed to complete this project that it would be returned to Garfield County and would be replaced in the source which it came – out of Human Services or out of the general fund and see once Ed and Patsy return and find someplace to make this happen. Chairman Martin seconded.

Dale – needs a letter of intent quickly, the BOCC will generate a letter on intent to do this so they can go ahead with his loan program.

Commissioner McCown amended his motion to include this letter.

Chairman Martin seconded the amendment.

In favor: Martin – aye McCown – aye

- ***RFTA Support for Hogback Route – John Martin***

A letter from RFTA – Dan Blankenship, chief executive officer – was submitted the request asking for $248,306 to support the RFTA Hogback Route.

Chairman Martin supports this donation however we need to sit down and contract with RFTA and look at their business plan.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the contribution of $248,306 to RFTA to continue the Hogback service.

Commissioner McCown – I can't support this for the simple reason that the numbers you're talking about aren't realistic numbers. In the model that Rifle did when they proposed their tax showed Garfield County paying $39,923 that to me is a more realistic number. I believe in the letter it says that there may be one top in unincorporated Garfield County, so I think $248,306 goes well beyond the obligation would be if we follow RFTA's suggestions.

Commissioner Houpt – people who live in municipalities pay County taxes and they catch a bus who live in various location live in unincorporated Garfield County as well and we're serving people on the Colorado River corridor who otherwise wouldn't have that transportation. This is a good way to keep this route viable.

Commissioner McCown asked what that route cost in previous years?

Chairman Martin – a little of $650,000 and when talking with he City of Rifle they wish to go ahead and contribute the same amount because they're not also a member of RFTA – it's a contract service and have also said they would like to keep it. This is a tax question on their ballot in November. If it doesn't pass they are not contributing.

Chairman Martin said in discussions with Dan they will continue with the contribution of Garfield County as well as the contribution from New Castle. Ours is a year to year contract only.

Don – is this contribution for 2007 budget year.

BOCC – Yes, 2007 budget year.

In favor: Houpt – aye Martin – aye Opposed: McCown - aye

COUNTY ATTORNEY UPDATE – DON DEFORD

- ***Dever A Pad Surface Use Agreement – Antero Resources***

Carolyn presented and asked permission to have John formally authorized and put this on the consent agenda.

Steve Fontenot submitted a letter and exhibit with the berm configuration as envisioned.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign.

In favor: Houpt – aye Martin – aye McCown - aye

- ***Discussion – direction to staff Re: Petition for Annexation – Town of Carbondale***

Don – annexation impact report has never been received. Goes beyond the 10 acres. No communication to waive it and/or send correspondence to submit it.
Resolution of the Board of Trustees for the Town of Carbondale, Colorado finding that an annexation petition substantially complies with the municipal annexation act of 1965 was submitted.
Commissioner Houpt – not enough information.
Don – sewer plant – doesn't know the impacts – Not enough information – the hearing has already been set.
Don – this is the last meeting of the month – had to bring it to you today.
Commissioner McCown – doesn't look that there would be any apparent impact to the County.
Don – all the residents want this to happen.
Commissioner Houpt – fine with it
No motion needed.

- ***Consideration of Private Activity Bonds Allocation Letter***

We are making an informal request to assign that amount to the Colorado Housing and Finance Authority for application to projects within Garfield County in a manner similar to the assignment accomplished for the past few years.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign a letter to the Department of Local Affairs regarding the 2006 Private Activity Bond allocation.
In favor: Houpt – aye Martin – aye McCown - aye

Executive Session: Litigation Update; Legal Advice – Sheriff and CA – direction – status of ACLU – litigation Four Mile – Vallario property – road litigation from Silt and storm water permitting
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 stated the Board needs to authorize Sheriff to purchase a storage system for the video taping equipment in the Detention Center for an amount not to exceed $90,000 authorized sole source procurement and authorize entering into a contract for that purpose with Spectra Logic and the reason to move forward is under the new federal electronic data storage rules we need to preserve all of the information that's being recorded, the current system will not do that and it's imperative that we start that storage process as soon as possible. This will allow the sheriff to move forward and install that system by the 1st of November which is absolutely the latest we can go.
Commissioner Houpt so moved; Commission McCown seconded.
Commissioner McCown – this is being predicated by the ACLU suit and we're having to preserve all of those records for the court and it is creating a significant financial impact on the Sheriff's department.
In favor: Houpt – aye; McCown – aye; Martin – aye.

COMMISSIONER REPORT
Commissioner Houpt – I-70 Corridor Coalition – transit workshop on Thursday in Copper Mtn, and Friday a retreat to discuss how we want to move forward on Transit; the exciting thing about this stage in the process is we do have more private business on board and when you start talking transit you need to have a lot of stakeholders moving forward on the same page. We have a larger group and jurisdictions participating this time really looking at the benefits of transit moving up the corridor so we don't have to keep expanding the highway system every time we have log jams.
Commissioner McCown – light week this week, last week we had our budget rollout and clearly the largest budget presentation to look at in his 10 years and probably the first budget was 10% of that budget and it has grown significantly. Noticed this year driving around during the political campaign there is the blatant abuse of public right of ways with signage; don't think any of the candidates are guilty of that, it's probably some over exuberant volunteers that are utilizing our county right of ways for signage but we do have regulations and our road and bridge folks are reluctant to pick those signs up as they would other signs because of possible intimidation and retribution from elected officials so in order to clear this up, Larry asked us to allow, not send them out and send them on missions, and not issuing summons as Glenwood springs was, but we need to pick up the signs in our right of ways and the elected officials can go to the Road and Bridge Shops and pick them up and replace them so they're not out the monetary cost of these signs but we're clearly looking the other way on this issue and the rest of the year we don't do it. Others have noticed it and spoken to me about it but how you get by with putting signs on the end of bridge abutments and don't think we should allow it.
Commissioner Houpt – not sure how prevalent it is, but we are nearing the end of the election and if it's on someone's property but may not be the full 8 feet off of the road, does it warrant pulling the sign or does it warrant just moving it a few feet to the side.
Chairman Martin – we don't want our Road and Bridge shop to move signs other than to remove them from the right of way, if they're on private property.
Commissioner McCown – on the fence that's clearly an issue, we wouldn't have any problem with but the ones in discussion here are on the end of bridge abutments as you would drive onto a bridge and those need to be moved.
Commissioner Houpt – good to let people know that they can pick those up at the local at the R & B shop. Where they are working if they see violations – signs in the right of way where you are working.
Commissioner Houpt – landowners need to move the signs back.
Chairman Martin - Go ahead with this requests – if someone is working in that area – pull the signs down.
CONSENT AGENDA

a. Approve Bills
b. Wire Transfers - None

c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Approval of Disbursements in the amount of $14,250 to RFTA from the Treasurer's office
f. Authorize the Chairman to sign the acknowledgement of partial satisfaction of subdivision improvements agreement for Phases C & D, Valley View Village Subdivision – applicant: Darter, LLC – Fred Jarman
g. Authorize the Chairman to sign the acknowledgement of partial satisfaction of subdivision improvements agreement for Phase I, Springridge Reserve PUD – applicant: Springridge at Glenwood Springs
h. Authorize the Chairman to sign the acknowledgement of partial satisfaction of subdivision improvements agreement for Phase II, Springridge Reserve PUD - applicant: Springridge at Glenwood Springs
i. Authorize the Chairman to sign the Resolution and Special Use Permit for a Kennel in the ARRD Zone District – Applicant: Frank and Donna Jean Donofrio – Fred Jarman
j. Authorize the Chairman to sign the Resoltuion approving an amendment to Section 5.03.15 of the zoning Resolution of 1978 regarding Kennels. Applicant: Joseph Langegger and Frank and Donna Jean Donofrio – Fred Jarman
k. Authorize the Chairman to sign the Amended Final Plat of Lot L17, Aspen Glen, Filing No. 3. Applicant: Kathleen Cheldelin – Fred Jarman
l. Authorize the Chairman to sign the Amended Plat Mylar for Lot 42 of Panorama Ranches. Applicant: Derrington – David Pesnichak

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

REGULAR AGENDA
HUMAN SERVICES COMMISSION
DEVELOPMENTAL SERVICES – BARB DONILY

The Mission of Mountain Valley Development Services is to encourage and support individuals with developmental disabilities, enhance their ability to live, learn, and work in an independent and inclusive manner, and educate the community about their contributions and capabilities.

Bruce Christensen and Barb Donily presented. They serve a 4-county area from Leadville to Parachute and take a child at birth through their adulthood. This goes beyond custodial care and gives them choices about their life to the maximum extent possible. Medical care and funding levels are the main concerns. Housing is a big thing and we need big houses and finding that a lot of the folks are aging and now the two-story facilities are being revamped. Big challenges. Staffing is also a big issue but not enough staff. They do their best everyday.

Bruce reiterated on the financial issues and constraints – down to 105 staff and everyone is feeling that pressure. The federal government is having budget problems and Medicaid has had no increase. The work force issue is related to housing and at some point we will need to look together to see how we can have the ability for the jobs being created. The economic boom is having a significant impact.

All Medicaid waivers had to be rewritten. 31 years of clean audits.

The Rife area has been the focus on expansion. They have had success in hiring staff.

Appreciates the county support.

BOARD OF HUMAN SERVICES
APPROVAL OF EBT/EFT DISBURSEMENTS FOR SEPTEMBER 2006

Lynn Renick submitted the client and provider disbursements and EFT/EBT disbursements for September equaled $394,253.36.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the disbursements in the amount of $394,253.36.

In favor: Houpt – aye Martin – aye McCown - aye

CONSIDERATION AND APPROVAL OF PLACEMENT CONTRACTS

Lynn submitted the contracts.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the placement contracts for child specific – El Pueblo Boys and Girls Ranch for V488167 in the not to exceed amount of $42,226.93 (formerly stated as $41,209.96.)

In favor: Houpt – aye Martin – aye McCown - aye

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH THE COLORADO DEPARTMENT OF HUMAN SERVICES 10/01/05 THROUGH 6/30/07

Lynn presented.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the he MOU with the Colorado Department of Human Services for the Colorado Works and the Child Care Assistance Program.

In favor: Houpt – aye Martin – aye McCown - aye

CONSIDERATION AND APPROVAL OF COLOADO PREVENTION PARTNERS

Lynn presented the contract.

This is to focus on the State's scope of work to reduce substance abuse related problems within the community, build prevention capacity and impact the progression of underage drinking of alcohol.

In favor: Houpt – aye Martin – aye McCown - aye

CONTRACT WITH COMMUNITY HEALTH INITIATIVES, INC. 9-30-06 THROUGH 9-29-07

Lynn presented.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the not to exceed amount of $109,991.
In favor: Houpt – aye Martin – aye McCown - aye

CONSIDERATION AND APPROVAL OF CORE SERVICE CONTRACTS:

1) SERVICES MULTI-SYSTEMIC THERAPY CONTRACT WITH GRIFFITH CENTER FOR CHILDREN

Lynn presented.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to Griffith Center for Children in the not-to-exceed amount of $11,700.
In favor: Houpt – aye Martin – aye McCown - aye

2) MILDRED HOHL – INSURANCE WAIVER REQUEST

Lynn presented.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the insurance waiver for Mildred Hohl to provide mental health services as a Core Services provider as requested by Lynn.
In favor: Houpt – aye Martin – aye McCown - aye

CONSIDERATION AND APPROVAL OF AREA AGENCY ON AGING NOTICE OF GRANT AWARD

Lynn presented the care giver and services to $71,752.00 for more money to provide services to seniors. It is a chance in the contract amount.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the area agency on aging notice of grant award for $71,752.00.
In favor: Houpt – aye Martin – aye McCown - aye

PROGRAM UPDATES

Lynn submitted the program updates. In-home child audit for two days and child care enhancement and capacity grants – gone through the grant process and approved $47,000 for the providers. The renewal contact is in legal and hopes to get those mailed out next week.

BOARD OF HEALTH

CONSIDERATION AND EXECUTION OF IMMUNIZTION CONTRACT WITH ROCKY MOUNTAIN HEALTH PLANS – CAROLYN DAHLGREN

Carolyn Dahlgren submitted the contract and explained the revenue contracts for flu vaccines with the two changes.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the immunization services agreement for services as outlined in the services agreement with the changes made by the County Attorney with Rocky Mountain He
In favor: Houpt – aye Martin – aye McCown - aye

PUBLIC MEETINGS: HB 1177 COLROADO ROUNDTABLE WATER UPDATE – LOUIS MEYER

Louis Meyer presented a power point. HB 1177 – Russell George's attempt to get the state on intra-state water issues and created roundtables. Louis walked through the issues of concern.
People are starting to talk – Mesa and Garfield and realizing we have problems. We are realizing there is a common concern. Transmountain diversions are of issue. Russell George should take water negotiations into a public venue.
Louis told the Commissioners what he hears from Scott Balcomb and Jim Lockhead are on the Board and that is going to be an extremely difficult issue resolved with all the basin states – they're wrestling with the fairly minimal issue now which is again just levels in Lake Powell and Lake Mead and how to transfer water between the two much less taking on that other issue. Has also heard that Nevada, which Las Vegas wasn't in existence when the compact was done in 1922, they're very concerned that they would be the first to litigate and take it to Supreme Court and again if that happens its very likely the federal government would be a hold on any of the environmental permitting on any project that we all deal with up there.
Handout – there is a group of counties along with the River District and Mesa County that is negotiating with Denver Water, they call it the Global Settlement, an attempt by the head water counties to try and reach an agreement with Denver water once and for all on all of these issues, and this is the proposal set forth by all the head water counties, as a resident of Garfield county the one thing that strikes me is that all of these impact Garfield County and within this agreement the Shoshone deal was reached and there's a concern by many parties that unless the western slope becomes united in all of these issues that the front range providers will continue to use the divide and conquer theory. .
Chairman Martin – the decisions made are not including someone from Garfield County which affects us, we talked about that extensively and how we need to be involved in the discussions and hopefully this will awaken us and say we need to be there. Louis has made us very involved.
Louis has talked to some of the BOCC from some of the headwater counties and they're rationale was that we think there are enough people at the table and having one or two more might complicate things. I believe that Garfield County through the Commissioners wrote a letter to this group and expressed interest and believe they have to start communicating with you.
Chairman Martin – Grand County and also the QQ (Water Control, Etc.) they invited us, they wish to have us there, so Mr. James Newberry from Grand County, has invited us to send a letter to get involved. He's one of the head waters and in fact the head water of the Colorado in Grand County and we need to take advantage of this and get it done.
Commissioner Mccown asked Louis if we still have 85-90-% of water dedicated for agricultural.

Louis – 85- 90 % is the range. The other suggestion is that in Grand County the municipalities and the water districts and the county is a uniform block and sees them at all the water meetings statewide and they sit at the roundtable and are pretty cohesive group and believe Garfield County there's a lot of water districts and municipalities in Garfield County that need to be involved and really be a cohesive block when it comes to these intra-state water negotiations.
Chairman Martin said we need to have a motion to send a letter to get involved in the discussions.
Commissioner Houpt – so moved; McCown – seconded; motion carried.
Louis concluded with the Legislation 1177 resulted in legislation last year which allocated SB 179 which allocated $10 million a year for four years to the roundtables and it's anything from studies to actual projects to help the roundtables proceed and if at any time you have any projects that you'd like to make an application for, the first round of applications will be heard in March and application need to be in by December. Louis – Legislature gave the charge to do a needs assessment and follow on the tails of the FAZA study to determine how much water we will need in the Colorado watershed and what water is there, where the minimum stream flows, where are the big issues is the Colorado and the tributaries water, and what are the non-consumptive uses, where are the Kayak parks, where are critical fisheries – things like that and so one of the thoughts on the Colorado Roundtable is to use some of that money to higher experts to really look at that issue so when we do negotiation with other basins we have a pretty good foundation fro which to negotiate from. Obviously there's probably a sense that actual projects would receive a higher priority so if there are projects in the county the county would have a good chance.
Commisisoner McCown asked how this would be prioritized and who would have the final say in that.
Louis – the roundtables would prioritize the projects in the Colorado basin and they would send it on the inter basin compact committee and the CWCD and those two entities would be the final say so.
Commissioner McCown – we hear a lot of different things about what improves our water quality and our water quantity and we work closely with the NRCS and other groups and the eradication of Salt Cedar, the improvement on irrigation systems that don't require near the water that the flood irrigation used to, which is a double edged sword when the waste water but there are any number of things that we support both financially and theoretically that improve the river, would any of those project of that type qualify?
Louis – yes all of those would be good project, one of the projects discussed is the City of Rifle which relies heavily on Colorado River water bringing water from smaller tributaries from Rifle Creek to their treatment plant so they don't have such a high reliance on the Colorado River water. That's an example of the project that would be well received. $10 million split between 9 roundtables for four years. HB1400 gave money for the needs assessment. Other roundtables are ahead of us and have projects they are targeting.
The Commissioners thanked Louis for his involvement in this.
The roundtable is the needs assessment and are starting to get in the November meeting – 4th Monday at the Community Center. November – the Shoshone call. Bringing experts to the table to see what the issues are. 179 monies will be on the agenda at each meeting.

CONSIDER THE APPROVAL AND AUTHORIZATION OF THE CHAIRMAN TO SIGN A FINAL PLAT AND SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE PINYON WOODS SUBDIVISION – (CALLICOTTE RANCH) APPLICANT: ROCKY MOUNTAIN MANSION, LLC – MARK BEAN

Garrett Brandt, representing the owner of the property, Mark Bean and Carolyn Dahlgren were present.
Mark stated he met with Carolyn Dahlgren and discussed a number of things and had a number of conservations with Mr. Brandt regarding the subdivision agreement and other documents that are associated with this particular project. The only thing we are awaiting is the actual letters of credit as well as a few other payments for certain other fees that are obligated to be paid however, with the exception of that we would request the Board authorize the Chairman to sign the Subdivision Improvement Agreement and the final plat for the Pinyon Woods Subdivision.
Carolyn – this is unusually because there are actually three (3) letters of credit. On this project there was a specific weed infestation for which the Board required a 3rd letter of credit, I believe in the amount of $20,000. And Mark and I have asked that the applicant's attorney to create a letter of instruction for Mildred assuming you instruct her to hold this for the letters of credit to appear because they are a number of things that have to be recorded in specific order starting with a Power of Attorney for the lawyer.
Garrett Brandt – my client is working on getting the letters of credit and we expect to have them by the end of this month at which time I will work directly the Clerk & Recorder's office on proper recording sequence making sure that the letters of credit are in final form. I do have power of attorney I was going to record here but I'm running a little late and look forward to working with the County on finalizing this project.
Commissioner McCown made a motion that we approve the final plat and authorize the Chair to sign that and the Subdivision Improvement Agreement and that the County Clerk hold both of those instruments until all of the financial responsibility is met and everything be filed in the proper sequence.
Commissioner Houpt seconded.
In favor: Houpt – aye Martin – aye McCown - aye

DISCUSS A NOTIFICATION OF BOND RELEASE FOR THE SNOWMASS COAL COMPANY FROM THE SUCCESSOR IN INTEREST. MINREC, INC. – MARK BEAN

Mark submitted a letter from Minrec, Inc. successor in ownership to Snowmass Coal Company's responsibilities under the Division of Reclamation, Mining & Safety, Permit No. C-1981-025 for a bond release of $100,000.
Mark submitted a request for release of security and noted in his memo to the board that all of the activities in Garfield County and all the reclamation associated with the required security, the Snowmass Mine Company and the activities associated with the load out facility, which is basically Aspen Glen and Crystal River Ranch, all of those areas to the best of his knowledge have been reclaimed and there is

not need to express a concern. They are in the process of closing and there is no intention to reopen the mine.

Don DeFord stated there is no need for action of the Board.

Chairman Martin didn't think the Board needed to take any action other than acknowledge it.

APPOINTMENT OF BOARD OF DIRECTORS FOR LANDIS CREEK METRO DISTRICT 1 & 2 – DIANNE MILLER

Dianne Miller with Miller-Rosenbluth, 700 17th Street, Denver, Colorado appeared on behalf of Landis Creek Metropolitan Districts No. 1 & 2. She submitted a letter to try and advise the Commissioners of a current situation with the Board of Directors. Our firm was hired several months ago to begin representation of the District as general counsel, hired by the developer of the project and as part of their due diligence when working with a new district we started going through all the public records and the very few records that were in the possession of the developer. What came to our attention is that after the organization of this District which occurred in November of 2002, there were no subsequent director elections. Metropolitan Districts in Colorado are required to have director elections every May of even numbered years and they have a staggered board of five directors generally. We are unable to verify through any of the normal channels if those director elections ever occurred and we believe in fact that they have not, so in May 2004 and in May of this year there should have been director elections for those districts and they did not occur. There is a person who works with this project, Doreen Herriott, one of the original directors elected to the Board and she has continued to act on a defacto instead of a dejury basis for the affairs of the District, but as this project continues to move forward obviously one of the things that we want to do is get the districts back in statutory compliance. Under Title 32 when there is no duly elected board of directors the statute has the Board of County Commissioners reappointing essentially an initial board of directors and after that initial board is appointed, the statue requires that a special election be called within six months to actually elect a board of directors. As you may be aware, Spring Valley/Landis Creek is still a development project, there is no population up there, there are no residents or taxpayers yet and so when the special election is called it is our belief that the five people that we have qualified to sit as electors and directors for this district will re-elect themselves as the project moves forward. We also want to assure you that we will make sure in the future this situation does not occur and we will hold the elections as required by statute.

In the letter that we sent, we provided information to you of five candidates that we are hoping will be the pleasure of the Board of County Commissioners to appoint today as directors for the these two districts. Diane submitted the following candidates for consideration of director appointments; Michael Gamba, Ben Smith, Theodore Birnkrant, Stephen Shapiro and Doreen Herriott.

Don DeFord, County Attorney asked if there were any special qualifications to sit as a director.

Dianne – under Title 32 you have to be a property owner within the boundaries of the district and a Colorado resident and voter and those are the only requirements.

Don – and do the people nominated by this letter meet those qualifications.

Dianne, yes sir they do. All of the five are Colorado residents and voters, under Title 32 in order to qualify someone as a property owner, the statue allows property ownership to include a vacant land contract, an option to purchase property is sufficient qualification and so the property owner of the ranch has actually provided option contracts to each of these five people so that they are now qualified property owners.

Don – and if the Board appoints the people that have been nominated by the October 10th letter, will your firm provide official notice on this statute to these individuals?

Dianne – yes sir we would.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt that we appoint that we appoint the five members as suggested by Ms. Miller to the Board at Landis Creek Metropolitan District Nos.1 & 2.

Don – you are by that motion asking that Ms. Miller or her law firm notify these people as required by law.

Commissioner McCown – yes, that was her testimony and assumed that was on the record as well as in May there will be another election.

In favor: Houpt – aye Martin – aye McCown - aye

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

OCTOBER 25, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 7:00 P.M. on Wednesday, October 25, 2006 with Chairman John Martin and Commissioners Tresi Houpt present and Larry McCown via telephone Also present were County Manager Ed Green, County Attorney Don DeFord and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 7:00 P.M.

This is a special meeting of the Board of County Commissioners. Two items were identified in reference to an Executive Session which is the reason for this special meeting, it is out of the ordinary but we are going to call on Don to identify the items and then we'll call for a motion.
Don – first of all the published agenda item was to provide legal advice on personnel election code issues in Executive Session and I do anticipate that I will ask you to take public action on this relative to a motion when you come out of Executive Session. That's on one item; the other was brought to my attention this afternoon concerning an advisory item on difficulties we are having concerning State law in terms of timely payment on our payroll. State law sets maximum time frames beyond which we cannot go and Ed can explain this as we get into the Executive Session. That also, you may want a public discussion on I don't know if it involves particular individuals but Ed will get to that. So at this point I would appreciate it if the board could authorize an Executive Session so that I can provide you with some legal advice.
Executive Session:
Commissioner Houpt – so moved; Commissioner McCown – seconded.
The people that will be included are Patsy Hernandez, Kraig Kuberry, Jesse Smith, Marvin Stephens, Ed Green, Mildred Alsdorf and myself.
In favor: Houpt – aye; McCown – aye Martin – aye
Don identified for the tape for the record:
We are assembled in Executive Session on the evening of October 25, 2006 at a special meeting of the Board in order that I can advise the board on legal advice on application of the Election Code to the administration of our personnel, once concluded the executive session portion of this meeting, which is the legal advice, I do anticipate public action.
Out of Executive Session:
Commissioner Houpt moved to come out of Executive Session. Commissioner McCown seconded.
In favor: Houpt – aye; McCown – aye Martin – aye
Action taken:
Chairman Martin - Direction to be taken by this Board in reference the discussion of legal advice in executive session.

Don – the staff, first of all, needs official direction from the Board concerning the payments to be made to certain members of the Road and Bridge Department to the extent those payments may be based on attending a political based meeting occurring on that site. That's a generic description and the Board may want to amplify on that.

Commissioner Houpt – so you need a motion?
Don – yes I need a motion.
Commissioner Houpt – I'll make a motion that we do not pay overtime to employees of Road and Bridge who participated in the political campaign meeting that took place at the Road and Bridge on October 11, 2006.
Commissioner McCown – second.
Chairman Martin – a motion and a second. Is there a need to clarification that overtime, and to clarify that overtime, I would say that the Road and Bridge supervisor, department head and all time card reviews by the people that submitted it and to verify that it is work related or non-work related and return that back to the payroll officer by noon tomorrow if that is possible. Is that clarification enough; is that within the confines of your motion?
Commissioner Houpt – it is and I'd like to make a comment along these lines as well. You know this is prompted by the Fair Campaign Practices Act and a meeting took place that I want to make sure Road and Bridge staff is not held accountable for it. I don't want any legal retribution because I think the directive or question came from a County Commissioner to have this meeting take place and as elected officials we are pretty aware of what should and should not happen in terms of campaigning with public resources and I don't, I know that there is a supervisor who scheduled this meeting, I don't think this supervisor should be held accountable. If there is a question of who's responsible, you know, I think Larry would agree that he made the phone call to ask if this would be set up, so just for the record, I want people to know that's my position.
Chairman Martin – there's a motion and a second for clarification.
Commissioner McCown – well I think I have to rebut that comment, I'm not going to get into the politics of this but when I asked if Kraig could arrange for Steve Reynolds to come up and look at the facility and meet the guys, just by coincidence about two weeks earlier a rumor was running rampart through Road and Bridge that don't vote for Steve Reynolds, he is out to get Road and Bridge and nobody from Road and Bridge knew who he was. It was not set up as a candidate's forum, I had no idea he was going to bring brochures, I thought it was important that he know what we have at a Road and Bridge facility as a candidate so he could address some of those issues and for the guys to get a look at him to even know who he is. I did recommend that but I didn't know he was bringing brochures, I would have told him not to.
Commissioner Houpt – well you didn't invite me when everyone in the County was saying that I was out to get everyone when I ran and I think that's part of the rumor mill that happens when people run for election and it maybe Steve's the one who culpable to this because as a candidate he should be well aware that….
Commissioner McCown – I think he's probably the least guilty of anyone.
Don – in anticipation that this may pass, again for clarification, it's my understanding that action on this motion, the staff of the County will use its best efforts to correct the payroll but it may not be possible to do that and it may not be that there will be employees dispute the request. In which event, it's my understanding that it spite of the motion we will go ahead and pay employees based on existing time sheets.
Commissioner Mccown – only if we can deal with those issues later. There was not anyone in that room, that stayed and turned in time that honestly could tell you that they felt they had a half-hour coming. I would want that remedied after the fact.

Patsy – question for Larry, why then go through the steps when there might not be that many people a minimal people, is there any reason why and I would pose this question to you Don, that we can't just adjust their November time sheets by taking it out.
Commissioner McCown – well I would think we should address it……
Patsy – that way we wouldn't be worried about messing up the payroll batch.
Commissioner McCown – just in principle I would like to get it cleared up rather than adjust it, it's a lot tougher when you take money away from them.
Chairman Martin – and then to penalize and take away times wise, then you're really in violation because you're taking time that they're ….. we need to do it now.
Chairman Martin – let's call for the question.
In favor: Houpt – aye McCown – aye; Martin – aye

It's unanimous, we'll go ahead and do that – we're all in the same boat.

We'll try and remedy that; we also need to give ***staff direction regarding a policy*** on use of our facilities and the contact with employees on or off site, on duty, etc. ***on political campaigning.***
Commissioner McCown – wouldn't that be direction from Ed down to our HR person.
Chairman Martin – I think so but I think the Board but we need to be unanimous in saying that we need a policy and get it done.
Commissioner McCown – okay.
Commissioner Houpt – okay.
Chairman Martin – all those in favor?

Last issue – Ed and Mark brought this to my attention I think this morning and I talked to Pasty earlier in some degree, the method in which we pay people, appears to leave us out of compliance with State law concerning timeliness of payment. Instead of talking around it we are to pay people variously either within 30 days or 10 days depending upon the circumstances from the close of their pay period and we don't do that in all occasions.
Chairman Martin – no we don't.
Patsy – Well, what it really is, a pay period can't be longer than a month and in some cases when we pay our non-exempt employees for a 5-week period it's longer than a month and in other cases, and State law says employees are to paid within 10 days after the close of their pay period and our non-exempt people are not being paid that way. And just in the process of doing other stuff, we came across this statute and went yikes.
Ed – it was precipated by the fact that we have a bunch of new people and they can end up not being paid for 7 weeks because of the payroll dates.
Don – What I suggested to Ed, this could end up being a fairly complex solution and since we've been doing this since the beginning of time another week or two weeks wouldn't hurt anything until we can develop a written policy and come back –
Chairman Martin – unless we have a complaint and we have a complaint filed within two weeks, we have a problem.
Ed – We had a complaint from an exempt employee.
Patsy and we're accommodating. We will accommodate and adjust; it's just something that needs to be addressed.
Ed – there is no flexibility with non-exempt personnel because you pay them by the hour and you don't know how many hours they are going to work until the time period is over.
Commissioner Houpt – so are you thinking of paying twice a month so you can …
Ed – well, that's certainly one option. We've always discussed it and dismissed it as too expensive and there's an initial cost because you basically have to front two weeks for everybody's pay.
Chairman Martin – not for over time.
Ed – right and then there's the argument that there is some benefit to paying people on a monthly basis so that you're ensured money to pay the rent.
Chairman Martin – well then that becomes the problem of the individual, and how they budget. And are you going to control individual's spending habits because they have set it up that way they're going to have to control their own spending.
Don – this is just to alert you on an issue that is coming back.
Ed – it is a very complex situation and we need to think about it.

Adjourn

Attest: Chairman of the Board

_____ _____

NOVEMBER 6, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 6, 2006 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

- ***Letter of Support for Noble Energy – Hyrup Evaporation Facility***

A draft letter was submitted proposing that Mesa County Planning commission and the Board of County Commissioners of Mesa County consider the request made by Noble Energy, Inc. to place the Hyrup Evaporation Facility to the Little Alkali Flats property owned by John and Phyllis Hyrup.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the letter.
In favor: Houpt – aye McCown – aye Martin - aye

- ***Consideration of new Human Services Commission member***

A resignation of Betty J. Clifford representing the Grand River Hospital District was submitted. Betty requested that she be considered to be a citizen member as she is no longer with the Grand River Hospital District.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Betty Clifford to the Human Services Commission.
In favor: Houpt – aye McCown – aye Martin - aye

- ***Oil and Gas Liaison Position – Jesse Smith***

The first scenario (A) is to hire a full time professional possessing oil and gas experience and a technical degree along with a full or part time clerical person and a field person that would be shared with the Oil and Gas function and the Environmental Manager function.
Pro – a dedicated individual to address citizen concerns and to work directly with citizen groups and the operating companies. Time to implement – 6 – 8 weeks.
The second scenario (B) is to have the Assistant County Manager function for the next year as the O & G Liaison and hire a semi-professional person that can be trained and developed as a support person to field all citizen calls and refer them to the right entity that can make something happen, including the Assistant County Manager and the Environmental Manager that can also monitor gas activity for the Assistant County Manager.
Pro – the support person would not require the same level of technical experience and education that would be needed in the O & G Liaison position.
Con – Jesse is not a technical expert nor does he feel he needs to be in order to be effective.

Under either scenario, technical expertise will need to be acquired from time to time to support the BOCC and the County Attorney in responding to COGCC decisions and hearings. The nature of the expertise depends on the issue, and would still require outside consultants if expert witnesses are required. It is not feasible to hire a person that could have all of the expertise that might be required, which could range from nuclear, hydro-geological, mining, etc.
Ed explained that the Board has discussed this position numerous times and the last time Jesse was asked to go the Energy Advisory Board and ask them to basically indicate to him which of the two scenarios he suggested made the most sense to them. They chose unanimously version B and then Jesse was asked to develop position descriptions related to both scenarios and that is in your packet.

Jesse Smith – a letter from the GVAC as well as from New Castle City Council, both endorsing an experienced position rather than an inexperienced position. GVAC did appear at the EAB meeting last Thursday and presented their letter and it was discussed by the EAB but the EAB did not change its position of version B, so that is the update.
Ed – one other items, took at look at the numbers we had included in the packet and discovered those numbers are erroneous because we hadn't included the part time clerical in scenario B, so that narrowed the margin between scenarios A and B. There is really a delta of about $76,000 between the two scenarios, scenario B being the cheapest.
Commissioner Houpt asked to discuss the different job descriptions.
The Grand Valley Citizens Alliance was present and the Energy Advisory Board was involved.
A delta of about $76,000 between the Scenario A and Scenario B.
Commissioner Houpt – if you compare what functions are covered between scenario A and scenario B, there are a couple of very critical areas that aren't covered by staff in the scenario that would have the assistant county manager overseeing and trying to get the shared field representative with Jim Rada's group.
Jesse indicated there was not a job description on that.
Ed – Jim has it already prepared.
Commissioner Houpt – so you didn't have the community support representative on the old one.
Scenario B there's no one who would have any knowledge of reclamation of sites and negative environmental impact issues as it relates to oil and gas and natural gas drilling operations as well as the COGCC operations or principles of land use planning which we could look to our planning department for. But the first two are the reason that we put this job together in the first place, so that we would have someone in the County who could review all the permit and applications that were coming in from the COGCC and red flag those that had issues of concern and be able to speak the same language and educate the public on those issues. And if we don't have someone with that knowledge or ability, we're not covering the original intent of that position and the second one is going begin able to go out on the field and identify when there is an issue and have a discussion with the COGCC or the operator and be able to analysis that information and know whether we agree with their prospective on whether or not there's a problem on the ground. There were many times when Doug challenged the response of the industry and if we don't have somebody out there who can challenge the information they're giving

us then again we're discounting this position and not fulfilling the original intent. Those are my two main areas of concern when I compared all of the job descriptions from scenario A and B that was a real hole that I saw.

Jesse – I have been fulfilling both of those roles for the last 9 months and would continue to do that for the next year while I train an oil and gas community support rep in the COGCC regs and how to go out and look at these things.

Commissioner Houpt – I know that you have a great deal of background in administration and are a very talented administrator but how do you know when you are getting accurate information from the field or when you have to challenge an application or a permit. Otherwise we're putting ourselves back in the position when Mark Bean was the Local Governmental Designee and we found at that time that he didn't have the time or the expertise to do that and in all fairness to the intent of creating that position I think that we're in that same position. There was a system in place when Doug was on board and we had regular reports coming in on permitting and applications, ones that we should challenge, ones that we should question, issues that were on the field, what kinds of field work and calls and educational pieces were going on, very extensive on a monthly basis and I don't feel as if that department – I haven't seen anything since he's been gone.

Jesse – I haven't been doing them but I can do them if that's what you want.

Commissioner Houpt – I just need to know that we have somebody in the field and I know that you don't have that background in this industry.

Jesse – sorry but I have the same background Doug has; I've been doing the job for a year. He knew nothing about it when he came into the job, he learned it – I've learned it in the last year. And I think I'm doing it and able to do it to the same extent that Doug did it.

Commissioner Houpt – this is turning into a personnel discussion, I was trying to keep it at the policy level. But I'm pointing out my concerns with the different and actually there's not one – these items I pointed out don't show up on anyone's job description in B, so we're really aren't asking for anyone who has knowledge and ability in reclamation of sites and negative environmental issues unless Jim Rada's going to cover all of that. Or natural gas drilling operations as well as the COGCC operations, we just don't – unless you can point them out to me, they just don't exist.

Jesse – we can add them, it was simply an oversight.

Commissioner Houpt – okay, but it does mean that we need to somebody with experience in that – I'm also uncomfortable with the education and experience line on the Oil and Gas Community Support Representative – it just says degree in related fields which means this person could have an associates degree and be 21 years old and it would be throwing them into a fire, so I would like to see some experience on there and something that more clearly defines what kind of background we need for a person that's going to be working with the operators and the landowners.

Ed – my hope is that the shared field rep will be able to address some of those concerns and that person is the one that would be out in the field daily working at the oil and gas sites and also working in other venues as well in being supervised and monitored by Jim Rada and the reason we did that was so that it would that environmental vent to the position.

Commissioner Houpt – could you help me understand that position a little more?

Ed – well that person – what we're hoping to do with all of this is project the oil and gas liaison function – what we recognize is that we just can't pay anybody enough money to do this job by themselves. The most we can pay a person is about $62,500 - $65,000. As soon as they hit the deck running, the oil and gas industry will pay them more than double that amount. So we end up paying for the cost of bringing that person in here and then the oil and gas industry gets the benefit of hiring them and using them for their own purposes. It's just a vicious cycle that I don't think we can deal with, so in order to patrician the functions and allow us the prospect of being able to keep people, we need to break the function into smaller pieces/parts that individuals can do, can feel comfortable and satisfied in doing and that we have a hope of keeping and that's what the shared field rep is and that's what the community support rep is as well.

Commissioner Houpt – and tell me more about the community support rep for purposes of this discussion.

Jesse - Community Support Person – we would be bringing in a person who would not be experienced on the immediate entry be somebody that the oil and gas industry would immediately try to hire away but over the next year would train that person to function just the same as Doug and I have functioned. So that they can be the LGD, they can work directly with the COGCC because they will have had a year in the field learning it. At the present time if I see anything on any APD's that has any question at all, I bring them to Don's attention and we discuss them and if there is any issue then they are brought to the Commissioners. This person would be paralleling right along with that.

Commissioner Houpt – and what are you looking at in an APD when you bring it to Don, what are the questions you have. I haven't seen anything.

Jesse – I'm looking at location, is there any sensitivity at all of the location of the pad or the location of the bottom hole; I'm looking at surface spacing, downhole spacing to see if there's any issues there, and I'm looking to see if there's any anomolie that they have placed into the APD that isn't standard, for instance, I have had a discussion with the COGCC that their expecting to see APD's that might be including more than 3 people on the pad site on a 24/7 basis. If I see that, that's a discussion Don and I will have right away.

Commissioner Houpt – because they have had that haven't they?

Jesse – no not yet. They have man camps that they've come to the County in remote locations but they have not put more than that on an APD that I've seen so far, but Brian Mackey has told me that he's had discussions and that he's expecting it. And he's going to defer to us because it's not an issue they're going to address.

Commissioner Houpt – My other concern is that when Doug and Tim were both here they both said that they needed a field rep to work with them and both of those guys were working full time on this position and you're pulled in a million different directions so you've never been able to work full time

on this position so I think we're creating some part-time position scenarios that may not do anyone justice.

Ed – that's the result of the concern for the budget and I pulsed the Board and the Board is concerned about having multiple field reps at this and perhaps it makes the most sense to have one, have that person shared with Jim's group and see how that goes and if that person is overwhelmed, then we deal with that, but we've got to start someplace. We don't have a field rep at all right now.

Commissioner Houpt – well we have our manager having to take over responsibility of oil and gas liaison that is more than a full time job with Doug and Tim and I don't want us as a County to start backsliding and not view that as the priority that it is.

Chairman Martin – I think we're doing just the opposite, we're forging ahead and branching out and making it more of a group effort instead of an individual effort to get a hold of the issues and I like having more than one person out there working as well as sharing that person with the environmental and health folks. The more ears and eyes the better it is.

Commissioner Houpt – I like having more than one person as well, I just need to feel as if we have the people that are qualified to really understand these technical issues – they're fairly complex.

Chairman Martin – we're trying to get a discussion going here between the Board and the administration on what we want.

Jesse – I just see this as a team effort with the really 5 people involved – Jim, the shared field rep, myself, the community support rep and clerical position so I see it as a 5-person team.

Ed – to me that's the only way we can make this work and as I said before if you focus all of the expertise on one person that person's going to get stolen.

Chairman Martin – we've experienced that already – more than once.

Commissioner Houpt – both scenarios are team and appreciate the fact that the two scenarios both represent a team of people.

Peggy Uteush – Grand Valley Citizens Alliance – Garfield County would not have an LGD if it had not been for the GVCA pushing for that position. In 2002 multiple times our community group was before you asking that this position be created and took the opportunity to thank the Commission for doing that. I think we all see the value in that position and what that position's been able to do not only for the County and you guys in making decisions but also in providing information and being a representative, somebody who's a go to person for landowners. As a citizens representative's group our main concern and our reason for asking that there be an LGD position is because landowners and people on the ground who are impacted by this industry are at a tremendous disadvantage – they don't have the information to make decisions – this is a complicated industry and they are impacted in many ways and don't know what their rights are, they don't know how the industry works, there are a lot of problems on the ground and the LGD position that was a position that offered expertise and assistance to landowners in a number of different ways. As you're also aware from the last couple of years while Kathleen Curry was carrying legislation regarding surface owner rights, the COGCC made a change in their rules and regs that allows the LGD to offer onsite assistance to landowners when they need to negotiate a surface use agreement which we see as another very important role that's not being fulfilled now by any person at the County. Doug Dennison was a tremendous help to the GVCA as well and when we would offer community education, he was able to put together a power point presentations that he brought in and did for our group that helped landowners understand what was going on, on the ground. There were a number of incidents and accidents out in the Dry Hollow area least of all the Divide Creek Seep but a number of others where Doug came out and was able to explain to the landowners what had happened. A particular case that I'd like to site is the blow out that happened on a well on Carol and Oren Bell's land. She explained what happened. She also gave a couple other examples to support her position. Somewhere in this mix you need someone with knowledge about this industry. Some situations arise where landowners are lied to. She encouraged the Board to take into the account the GVCA's position. Some people do not believe that Jesse is neutral. Landowners need someone they can go to and be a advocate for landowners.

Ed – asked how she would suggest as to how to keep such a person.

Duke Cox – President of the GVCA – not a foregone decision that the person hired will be swept up by the industry – not everybody looks at the money.

Commissioner Houpt – it's important that we not make that the focus of the discussion.

Ed – agreed that is an issue around the community – the problem is there is such a disparity between the government and the industry.

Chairman Martin – reiterated 5 people out there with eyes or ears to watch for the impacts instead of just one to try and catch up with everything, is much better approach at this time and we're not undermining or putting aside any landowner's concern as well as the industry as well as the taxpayer as well as the general health of our environment. I think we need more eyes and ears and that's why we went down this path of trying to share this and pull it all together and have a focal point and put the pressure on this Board to make the decisions that comes back through the committee. This is the recommendation of the Energy Advisory Board. Working as a team to do this, not putting one out there holding the flag and saying I'm protecting everybody's interest.

Peggy – I'm not saying you need one person, the point that we're making is that you need at least one person in the mix of the team that has technical expertise.

Chairman Martin – granted and we're trying to get there.

Ed – I guess I would hope the shared field representative would have or acquire that expertise over time as we said before, Doug had no expertise – he came from the nuclear industry as I did and he grabbed that expertise very quickly and I'm hopeful that the shared field rep will do the same.

Commissioner Houpt – there were a lot of parallels with his background that allowed him….

Direction:

A motion was made by Commissioner Houpt that we support Scenario A for all the reasons that I've stated previously and that would be for us to hire an Oil and Gas Liaison that could cover the technical, that the local governmental designee issues and the community issues and part time clerical and shared field representative as presented by our staff.

Chairman Martin seconded.
In favor: Houpt – aye Opposed: Martin – aye McCown - aye
A motion was made by Commissioner McCown that we move forward with Scenario B and in making that motion, I have the same concerns and I've not seen the job description from Jim yet but this technical position that's going to be created I think is going to require a level of expertise that until I see what kind of job description that is and the level of expertise its going to require, I have concerns about filling it and maintaining it because I know the State of Colorado is still attempting to fill inspector positions for the oil and gas conservation commissioner starting at fifty plus thousand dollars a year so I'm not sure what kind of success Garfield County's going to have with this technical position but I will support Scenario B.
Chairman Martin seconded.
My opinion is that it needs to be a team effort that we need to get something going sooner, I appreciate Jesse's expertise in how he's developed that along with Doug, Tim and Mr. Green as well throwing the mix of the environmental officer in there, taking the recommendation of the EAB into consideration in reference to the Scenarios, we had a lot of facts to consider on this vote and hopefully we can get something resolved and started.
In favor: McCown – aye Martin – aye Opposed: Houpt – aye

- ***Award bid for Child Advocacy Center – Randy Withee***

Randy Withee and Tim Arnett presented.
Bids were received from Gateway Construction and Mueller Construction Services. The bids were:
Architect's estimate $472,650.00
Mueller Construction - $505,577.00
Gateway Construction - $512,600.00
The initial budget was for $450,000 and the revised estimate is $562,000; the actual is $568,279.00
Two items for consideration /approval:

- Increase the project budget from $450,000 to $600,000 to fund construction of the project plus contingency.
- BOCC give notice of award to Mueller Construction Services for the amount of $505,577.00

Ed – No relief from the City of Glenwood Springs or the other agencies involved. They have raised $61,000. This is a 2300 square foot building.
Commissioner McCown – where do you see other governments coming to the table? We are building the building and staffing it. We asked Pitkin and Eagle Counties and all the towns within because they would be able use this facility because this is a regional facility and it has fallen away from deaf ears. This is taking away from what we really need to do and that is to take care of the kids. We staff it with Lynn's folks and also volunteers from the other groups.
Commissioner McCown – this is what I was told when we were asked to put this together and put it on our location that there were other stakeholders
Commissioner Houpt heard that the group was fundraising for operations and supplies but we were committing to the building.
Commissioner McCown – were we always the only county involved in this?
Lynn in terms of the work group that was involved in this from day one it really has been more of the Garfield County group, in terms of the work group has been focused on looking for a facility that is more up valley and by Valley View so that we can pull together a project that involves 8 law enforcement jurisdictions as well as third party investigations as well as Intra which DSS works for so the whole group has been focused on Garfield, but there has been approaches to Pitkin County entities as well as Eagle County in terms of the project and would like their involvement or buy-into this one stop investigation project and we have had Pitkin County Sheriff's Department has expressed interest, Vail PD also and Summit DHS has expressed interest but not necessarily a monetary commitment. We have been focused on the facility and the program for Garfield County so there's not been any formalized requesting assistance from the other counties.
Don – Randy, in terms of the proposal he's recommending, does it provide both the technical and funding requirement plans for permits from the City of Glenwood Springs.
Randy – they waived all the fees associated.
Don – but the plans and construction such facilities that they are requiring, therefore the proposal you're recommending, will it meet their requirements and the funding of the engineer's estimate provided to the Board provides sufficient funding to do that – the $600,000.
Randy – yes.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown that we increase the project budget from $450,000 to $600,000.000 to fund construction of the Child Advocacy Center plus contingency.
Commissioner McCown – I am disappointed in what has happened in this project; when it was initially presented as John alluded to earlier, it was alluded to 1,000 to 1200 square foot modular unit that we going to sit on our property and be able to provide something at a very reasonable price and I don't know what's changed in the scope of this building, why has it gone to a 2300 square feet, why it's become close to $270 a sq. foot project because it is a wood frame structure very much like a modular unit only we're going to build it ourselves. I'm sorry that the City didn't see fit to participate in this sidewalk project and says quite a bit on their part, again it's all about the kids and I don't know that we could have done this in the initial facility that we looked at but it's like so many other governmental facilities, once you start planning and building, the costs not only doubles and triples in cost and it eliminate a lot of projects and I think it came close to eliminating this one just on the mere face of the price of this facility, what it has done in the course of the year that we've been working on it – it's sad – anytime that there's government money involved, everyone feels like it's a bottomless pit and we can charge whatever we want to for it and they do, then that makes a tough decision for the elected that sit up here and vote yes or no on whether we want to build it. It's not whether we want to but can we

afford to build it. We are deemed with responsibility of getting the best bargain we can for the taxpayer's money. I support the project – is this $600,000, 2300 sq foot project the best bag for the county taxpayers money – I'm not convinced yet.

Commissioner Houpt – the initial proposal was too conservative for what we're trying to accomplish for child advocacy in this region and I too was disappointed in how the City ended up not working with us on this project – that was a disappointment. Looking at the initial proposal we did put on hold and sent back to the drawing board for an animal shelter was for $5 million dollars and if you compare that the $600,000 we're putting into a child advocacy center, which is going to accomplish so much for kids, I think it is a great investment and think there were offices added that were very necessary and I'm still a very strong advocate of this project.

Commissioner McCown – I am a very much supporter of the project; when it came to us initially it was going to be a $100,000 project and we were asked to support the project and we did. I still support the project, my problem is the $600,000 building but I do support the project – do I think it could have been run out of Mountain View, yes I do. But no, we're building a $600,000 building. At the initial concept when it was presented to us to see if we could support this or not, it was presented as a $100,000 building. Now, I don't think that's fair to us.

Ed – three things happened, the scope, Katrina and the City. These three things contributed to the escalation of the cost.

Chairman Martin – the abused kids need something and need to have a different environment living through seeing that on the first name basis, investigating some of these cases, etc and having to put them through another traumatic experience of what they have to go through, this was the ultimate. I thought about a Chevrolet thinking we could go ahead and work with that and be down home, understanding, have it isolated and it has elevated to a Bentley. I'm not against Bentleys but this is a tough pill to swallow in reference to $600,000. The project is absolutely essential and we have to have something. We can't let it go on the way it is now and this is a very small percentage of the children and families within a three region area – not just Garfield County.

Ed – this is incorporated in the 2007 budget.

Chairman Martin - Agrees with Commissioner McCown that we have to monitor these funds, it is not a bottomless pit and not that we're payday rich. It is something that we have to have in our infrastructure to prepare for the future.

In favor: Houpt – aye McCown – aye Martin - aye

Hopefully this will sent a message to the other municipalities that we need your participation if you are gong to use it.

A motion was made by Commissioner Houpt to approve the bid and award to Mueller Construction Services in the amount of $505,577. Commissioner McCown seconded

Don – this is to give the Board notice that along with the discussion earlier with Randy, prior to the contract or actually proceeding with construction, they will have to obtain a SUP and minor development permit from the City of Glenwood Springs and to that end the city attorney and I have negotiated a development agreement that will come before you next week.

In favor: Houpt – aye McCown – aye Martin - aye

- ***2006 Annual Report for Cooperative Mosquito Control Program - Steve Anthony***

Steve provided the Board with a written report on the Cooperative Mosquito/West Nile Program showing all the activities of this year's cooperative program. The report focuses on larval site work, trap data information and adult mosquito control.

- ***RFP Language for 2007 Mosquito Program – Steve Anthony***

Steve provided the RFP Language for the 2007 program stating that the last three years; the County has contracted out the mosquito control services to Colorado Mosquito Control from Brighton. The issue of ownership of "intellectual property", in this case maps of surveyed areas, ahs become an issue in the competitive bid process in other jurisdictions in Colorado, specifically Jefferson County. Carolyn has prepared language for the BOCC review and consideration.

Carolyn reviewed the language – put out a RFP with the standard language or with language asking what the bidders want.

Standard – or language negotiated last time regarding a license.

The existing language where we keep part of it, they keep part of it, that's what we negotiated with Colorado Mosquito Control and we used in previous contracts is the one preferred by Commissioner McCown – things they consider a commercial secret.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to include in the bid package the language that shows the results of the current negotiations and the contract that is now in place.

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

- ***Request release of 2006 Weed Cost Share funds to Conservation Districts – Steve Anthony***

This is a request for release of $25,000 (budgeted in the Vegetation Management Department for 2006) to the Gar-Pit Association of Conservation Districts.

For 2006 to date, we have 56 landowners that have completed cost-share application treating 1600 acres. There is a fund balance of $14,340. In the Conservation District's weed cost share account.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to release the $25,000 to the conservation district.

In favor: Houpt – aye McCown – aye Martin - aye

- ***DOLA Request Update Tamarisk Coalition Project – Steve Anthony***

Steve provided the scope of work for the Greater Colorado River Watershed for non-native Phreatophyte (Tamarisk and Russian olive) Control, Restoration, Monitoring and Maintenance planning. He gave a review of the background, project components, and a draft outline including the schedule and deliverables, budget estimated and DOLA grant as well as Tamarisk Coalition in-kind support and grants from local governments.

COUNTY ATTORNEY UPDATE – DON DEFORD

Acceptance of Right –of-Way Easement Deed – Boyd and Barbara Hyatt

Don requested authorization for the Chair to sign a Resolution accepting the right of way easement from the Hyatt's.

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

- ***Executive Session – Jail Space – Eagle County; Cooperative Venture on the use of the Airport and also apprise of negotiation with a private firm that may be upcoming as well - Runway Alteration proposal; Wooldridge Hanger Request – Brain Condie; Direction to Staff regarding potential violation of Land Use Regulations; Direction regarding DDA Litigation; Vallario litigation and direction and legal advice with Mr. Bean***

Needed for the Ex Session included: Sheriff – Jim Rada, Planning Staff and Dale Hancock

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

In favor: Houpt – aye McCown – aye Martin - aye

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

In favor: Houpt – aye McCown – aye Martin - aye

Action Taken:

Direction to Staff regarding potential violation of Land Use Regulations

Don - Direction to the staff from the Board concerning potential violations of land use regulations as it relates to the citing of employee/staff housing to service the gas industry; we brought to the Board's attention a number of potential violations all of which appear to be undertaken by EnCana located at various sites in the Western part of the County and we asked the Board for direction to proceed to notify of the violations or not as the Board chooses.

Commissioner Houpt made a motion that we do proceed under normal process of violation for all of the incidents identified by staff. Commissioner McCown – seconded.

In favor – Houpt – aye Martin – aye McCown – aye

Direction – DDA litigation – Don was presented with a proposed final stipulation that concerns disbursement of monies held by the Garfield County Treasurer and agreements under which terms those funds would be disbursed and a stipulation for an order to deport asking the court to order release of those funds. This has not been presented as a public document, but Don said he needs direction from the BOCC as to where to stand on substance with the stipulation we've been presented.

Commissioner Houpt – question – we're not on the signature page.

Don – the original draft, the attorney for the Treasurer indicated to me that at that junction they weren't certain that the County needed to be a party to it even though they'd included CMC and others, Don indicated it was appropriate since they were going under the caption of the case in which we clearly were a party and all others were involved and that the County had already taken a position and have been asked for a position; he indicated that it probably would be appropriate and so if the board wishes that the case be resolved in line with the terms that I discussed with you in Executive Session, the BOCC need to authorize Don to execute a stipulation of this type on behalf of Garfield county.

Commissioner Houpt made a motion to authorize our County Attorney to execute stipulation and order for release of funds in the case just described.

Commissioner McCown – seconded.

Don – in discussion, Don noted that the stipulation contains a detailed terms, the critical element for the County that the Board directed me to insert was that the County would not agree to all of the terms of the stipulation because you don't believe it complied with state law but you desire that the litigation be brought to an end and that they hostilities if you will be brought to an end and therefore would not pose a stipulation even though you didn't agree.

Chairman Martin – there was one stipulation that I suggested that we put in and that was the actually accounting or audit of where the money flowed and report back to the County and to CMC so that the special districts losing that know where the money flowed to. I still think that needs to be in there but it is not at the present.

Commissioner Houpt – not included in her motion.

In favor – Houpt; McCown – aye Opposed: Martin – aye, opposed for that reason that there is no accountability and reporting back to the agencies or revenue sources that are losing that revenue and showing where the money if flowing to except to a state audit which is a very hard procedure to find out where it went to.

Contract with Mr. Bean

Don – regard to o contract to provide advice on the adoption of the new land use code for the County, the director of building and planning asked to put together a contract for Mr. Bean, in the form of our professional services agreement and it would be for less than $10,000 this year, however, the Board is well aware there are some rigid requirements in regard to Mark's contract, its strictly the type of advice that he provides the Planning Commission and potentially the Board right now and the Board needs to authorize a waiver the insurance requirements in the standard form of contract.

Houpt – so moved; McCown – second. In favor: Houpt – aye Martin – aye McCown – aye

Mark did retire and Fred Jarman is the new director of Building and Planning.

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 of approval and conditional use permit for a home occupation for Howard and Leslie Kancilia – Fred Jarman
f. Authorize the Chairman to sign a Resolution concerned with the approval of a Special Use Permit for storage, Processing and Material Handling of a Natural Resource – Natural Gas Compressor Facility, on a 6-acre property located near County Road 300 in the Orchard mesa area, Garfield County, Colorado. EnCana Oil and Gas USA, Inc. – Fred Jarman
g. Authorize the Chairman to sign a Resolution concerned with the granting approval of a Preliminary Plan for a subdivision of land in Garfield County, creating 4 parcels for a parent tract of 48.52 acres, known as the Overview Subdivision, owed by Wayne Rudd – Fred Jarman
h. Authorize the Chairman to sign a Special Use Permit for an Accessory Dwelling Unit for John and Lisa Moore – Fred Jarman
i. Authorize the Chairman to sign a Resolution of Approval for a Special Use Permit for a staging area/storage of Oil and Gas Equipment in the Resource Lands Zone District. Applicant: EnCana Oil and Gas USA, Inc. – Fred Jarman
j. Authorize the Chairman to sign the acknowledgement of partial satisfaction of subdivision improvements agreement for Phases C & D of Valley View Village in the Battlement Mesa PUD. Applicant: Darter, LLC – Fred Jarman

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – j removing b & c; carried.

REGULAR AGENDA

PUBLIC MEETINGS: SUPPORT FOR TRANSPORTATION FUNDING – CITY OF RIFLE – BILL SAPPINGTON

John Heir, Beth Bascom and Bill Sappington – asked the County to help to construction I-70 Exit 90 ramp. A presentation was made by the City of Rifle to ask the County support with roundabouts to relive traffic congestion. A Total of 3 roundabouts at a cost of $2 million each are proposed. Funding: $2,700,000 in city funding; $3,800,000 total project costs including lighting, Right of way and contingency
$321,289 low bid received October 2006 for asphalt, add $230,000 for concrete alternative, leaving them with $1,100,000 short.
The request is for the County to support with funding about 1/3 of project. Costs will likely go higher if not built now.
Commissioner Houpt asked if they had looked into a DOLA grant.
Bill said they have $900,000 and shows up in the $2,700,000.
Don – this is not a County road system – limited to county roads.
Ed – capital fund – agreed to improve the Community Correction.
Don - Issue in Capital – prohibited from using it on county roads but doesn't address this – Don will have to look at this – a possibility – because of the provision under IGA – roads are a part of it – it would an anomolie to say you could use it on city streets.
General Fund – 9 million projected. Mill hasn't been established. Adjust the mill levy – Road and Bridge – fund balance is $8 million.
Option – raised the general fund balance – 3 – 1 versus operation costs.
Commissioner McCown – these are needed improvements but there is a pressing need from all our municipalities and they would love to have the County support these requests. If we set a precedent to support these transportation issues within the confines of their towns, then all the municipalities would drain our general fund and our Road and Bridge fund in one year. Parachute is looking at one; one in Glenwood, and your roundabouts in Rifle. We wouldn't have any money to do any work on our county roads if we supported the needs of all of these and not saying they are not critical needs – they are, the one in Parachute is every bit as critical as Rifle but on a daily basis, traffic backs up on I-70 at the 114 interchange in Glenwood every day. It's a normal occurrence.
Chairman Martin – same in Carbondale, Silt.
Bill stated that according to the traffic analysis, if we put two roundabouts it will not back traffic up where we don't put the third one. He would like to see all three go in.
Commissioner Houpt – like us to see us look at all of the projects across the county and figure out how we as a county can be a partner as activity in the county is impacting our communities. I agree that we can't fund every one of them at the level they would like us to. But if we can figure out what level of monies we can put toward these projects so that our activities can begin to address these issues, that would be very important and a role that we should be playing because activities in our county is impacted.
Commissioner McCown – the State should be with purse in hand and it's a federal interstate highway, it's a state controlled highway and much like the LoVa trail, another non-participating entity is CDOT and I don't look at it for the County taxpayers to rebuild the designed intersections on federal highways. We have been impacting in some respects to the usage of this but so have the City of Rifle and the activities that they've permitted in the past. Gas industry, go back to the State – we have no control on the number of well permits generated by the State and also Rifle has permitted.
Commissioner Houpt asked about the process for CDOT funding. The priority system was put together before Rifle was being impacted to the level you are now and it's a machine that is hard to change direction. The federal government is not giving the state enough money to cover even the first priorities on that list.
John Hier – they might explore some local entities to participate. We think the State's present formula for disturbance on severance tax is wholly inadequate and we may need to explore that for the amount of impact we receive and the amount we get is pretty small. That will take change at the state legislation to affect the formulas. We haven't gotten the operators interested in building roads – but one that we need to explore; CDOT not willing to help at all. Good project if we can find the funds to do it. The county also has a lot of work going on at the Airport and this may affect the County. We can re-negotiate the contracts.

Chairman Martin suggested waiting to see who we will be dealing with after the election and start with the TPR and apply that issue to the State and their priorities to see we can get it readdressed. The number one priority in the TRP was the Parachute Interchange. Carbondale – new bridge across the Roaring Fork occurring in the spring and CDOT approved out of priority.
Commissioner Houpt – budget discussions are getting underway and Kathleen Curry is interested in carrying a bill that would discuss the reallocation of severance taxes and their could be a new administration for CDOT and a new approach for how we deal with monies that come in.
Commissioner McCown – severance tax and where the votes are in the state if you start messing with the severance tax formula where it may end up. We could end up with less so we should be thankful – could get significant decrease if it is based on population on the eastern slope.
Chairman Martin – the county has made a commitment to make sure the infrastructure is in place for the future and this is part of that. We may have to revisit this in different areas to assist. We are going to be overwhelmed in the next 10 years.
Beth – we are in budget right now and would appreciate input because we need to look at this and come up with some answers; the timelines from CDOT were not helpful to us in any way and our original numbers came from them only to come back from then and be double. This has put us in a dilemma and whether we have to define what they require.
Bill – there were other projects in the bond issue. Approved to work in CDOT right of way.

SPRINGRIDGE RESERVE PUD NON-COMPLIANCE – BARBARA LARAMIE W/SPRINGRIDGE PLACE HOA

Barbara Laramie and Steve Marshall representing the Springridge Place Homeowners Association.
Steve Marshall – here today to address some concerns we have the process the Springridge is not receiving according to the requirements of their SIA. We brought these concerns to the attention of Fred Jarman, Building and Planning Department and it's at his recommendation that we come here today to address the County Commissioners on this matter. Of particular importance is the issue of a shared water agreement between Springridge Place and Springridge Reserve. Section 4 of the Springridge Reserve SIA clearly requires that a shared water agreement between Springridge Reserve and Springridge place be in effect and recorded before the certificates of occupancy can be issued within Springridge Reserve. Currently two homes have been built and are nearing completion within the Springridge Reserve Subdivision; we see that they appear to be occupied, do not know if they have CO's yet. This past spring we were in the process of creating a shared water agreement between the two subdivisions and seemed to be making progress toward an agreement with only a few points on which we needed to reach agreement when the negotiations seemed to stale out with the other party. On 4-24-06 representatives for the two Subdivisions met with our attorney's with the goal of working out the details and coming to an agreement and following of that meeting drafts of a shared water agreement were exchanged with the most recent being our draft to Springridge Reserve delivered on June 27, 2006. To date the only response we received is by multiple attempts by our attorney Sherry Caloia to reestablish negotiations is the comment that we're too far apart. We've made a good faith effort and feel that the two parties were closed to reaching an agreement with one significant issue remaining to be negotiated which is that the two subdivisions should have an equal say regarding the management of the water system. At this time it seems that Mr. Fitzgerald is not inclined to move forward with us on finalizing the required agreement and we need to finalize the water agreement before development goes any further not only for the protection of our homeowners and our property values but also for the protection of the new homeowners of Springridge Reserve. Communication has been another issue in addition to the stalled negotiations we've had a notable lack of communication on all issues from the developer and has represented … some of the issues which we have had concerns and very little shared information in particular is the location of the second well that's being put in. Mr. Fitzgerald stated in a letter dated 4/30/2003 that he would commit to consult with us regarding the exact location of the well No. 2 – this has not happened, to date three wells have been drilled without any consultation with us, the originally approved location was ¼ mile from the existing well and was to be downstream from the existing well and the current, there haven't been any wells drilled in that location. The current drilling is approximately 150 feet from the existing well and we wonder whether this is drawing from the same source as the first well. Earlier drillings have resulted in water that was also above the acceptable levels for nitrates and thus the need for multiple drillings. We've not been provided with any information regarding any of the well's production and/or water quality; our information came from the engineers that we have a relationship with.
Another issue is the functionality of the irrigation water system which is also a part of this agreement. The system was reengineered this spring and has turned out to be less efficient that it was previously. When the flow is directed to both subdivisions Springridge Place actually has no water pressure. We were not consulted on the design of the system nor on the results of the installation. Without this water agreement we currently have no structure under which to share expenses with the other subdivision. Other construction issues, several times we've been informed after the fact of water being shut off to our subdivision while they're doing work on the system and in one instance we were told not to drink the water for several days as it may have been contaminated. Another issue, it has been our understanding that there is now a sale pending of the development and we feel given this situation that it is now imperative that the current developer be held to the subdivision improvement agreement and required to complete a shared water agreement with Springridge Place before any CO's are issued. We're somewhat concerned that if the developer is not in compliance with the subdivision agreement on this requirement then as the development proceeding in compliance with all of the other requirements. Basically we're here today to ask that you hold the developer responsible for the requirements of the SIA and not allow any CO's to be issued in Springridge Reserve until the shared water agreement between the two subdivisions have been completed and recorded.

Barbara Laramie – added, didn't know that Steve mentioned, there's great concern that if we don't have some kind of an agreement about this water usage, we share this water facility with them, that this could greatly affect our property values going forward because right now we're more or less, we're paying for all

the maintenance of the system that's being used and we gave no way of recouping any of those costs and no way of managing.
Chairman Martin – legitimate concerns.
Commissioner Houpt – noted for the record that her husband is a partner in the law firm of Sherry Caloia; she stated she knows nothing about this case but wanted to disclose this in case the other commissioners had a problem with her being involved in this matter.
The Board didn't have a problem.

Fred – this is the appropriate venue to begin the discussion. The developers have in place an SIA with the BOCC that was approved and recorded in August 2005 and the representatives of the HOA Springridge Place characterized that the challenge and that is with certain improvements and had a call into Sopris Engineering who did the engineering work for them, but I have not had a response back. The SIA obligation is that this shared agreement be in place and was part of the testimony the developer brought to you as part of the improvement. So they are correct on this. Also, part of the Security they have in place covers those improvements so not just the irrigation water from the Atkins Ditch and then actual irrigation system in the fields as you will recall part of the contention was that this continue to be irrigated for refill of the ground water. To that end I did review a partial release that came to you from those improvements put in place and this was done in October of this year. The original credit was for $4 million and change and they have come close to satisfying those improvements and that's what this was that came to you in October. Part of those improvements included the well and included the irrigation features for the irrigation of that ground water as well as the Atkins Ditch, so they have represented to you that those are in place and were inspected by an engineer. That's where that is today. On the issue of the water agreement between Springridge Place I, also by the way constructed by the same developer, and Springridge Reserve which is the new one, we have yet to see as they note a water sharing agreement, and that was an obligation that they have to meet specifically prior to the issuance of CO's. Today I had our staff look into what's happened there, three building permits have been issued, one of which has received a CO. There is some disconnect between the Building Department and the Planning Department in some cases and this is represented here. We assumed that it was in place but it's not in place yet.
Chairman Martin – need to identify another player, the AVLT in reference to the actual water usage and how that open space was to be maintained etc. and have they been satisfied and again it's the water use less efficient, etc. I think they need to have ….
Barbara – I'd like to speak to that - the AVLT land has not been irrigated at all this summer, not at all, they could not get it working correctly and when they finally at the end of the summer got it working so that they could open up the irrigation for Springridge Reserve and irrigate those fields, we had no water pressure at all in our subdivision so the system does not work and should not be approved.
Chairman Martin – have you had any conservation with AVLT as well as a Homeowners Association?
Barbara – not as a HOA.
Fred – one last thing to add here regarding the SIA – as we look at the SIA recorded on August 26, 2005 and had the life of one year. We are beyond that.
Commissioner McCown – it would seem to me on page 14 of recorded document we have the answer to our problem, additionally Garfield County will not issue any certificate of occupancy for any structure within Springridge Reserve PUD, Phase I until all of the subdivision improvements have been completed and are operational in accordance with the SIA between Garfield County and Springridge at Glenwood Springs Development Corp, radon gas testing has been completed. The fact that they are in place if they're not working there still should be no CO's issued is how I would interpret that. So I think we have a pretty good fix – just no more CO's until we all start talking and playing well together. I'm sorry that the one slipped through.

Direction:
Don – the improvements are to built in one year; the agreement is still valid.
Chairman Martin – they just haven't lived up to the testimony given.
Commissioner McCown – and that should bring things to a head very quickly.
Commissioner Houpt – so we send them a letter indicated that we are well aware of this and they need to comply?
Chairman Martin – also get with the Planning Department and state no more issuance until this happens.
Don since Fred will be sending a letter on behalf of the Board he asked the board to make a motion that the contract be enforced by its terms.
Commissioner Houpt – so moved and that the building and planning department sends a letter outlying why we're taking action to enforce the SIA. Commissioner McCown – seconded.

In favor: Houpt – aye McCown – aye Martin - aye

Budget:
Ed – notice to the public was set at 10:15 a.m. the initial budget for this year is due on– December 18, 2006 – not agended – public notice – should proceed to open and continue it –
Open the hearing -
Testimony – not on our agenda.
Commissioner Houpt made a motion to continue until the budget hearings for November 13 and agenda it for 2:30 p.m. Commissioner McCown seconded. In favor: Houpt – aye; McCown – aye; Martin – aye.

CONSIDER REFERRAL OF A SPECIAL USE PERMIT FOR FOUR COMMUNICATION TOWERS LOCATED IN SKINNER RIDGE AREA NORTH OF THE TOWN OF PARACHUTE. APPLICANT: CHEVRON USA, INC. – DAVID PESNICHAK

David presented the staff report stating the applicant is proposing to construct a four (4) thirty (30) foot-tall communication towers for voice and data transfers from the field to the Chevron office in Grand Junction. The sites are on an 115,000 acre parcel which is already used by the applicant for resource extraction

operations. The towers are proposed to be located on a 10x10 concrete or compacted gravel pad and will have a self contained electrical supply. These facilities are proposed to be unmanned with no guy wiring. The predicted life expectancy is thirty years.
The request if for four communications facilities, which are a special use in the RL zoning district.
Staff recommends the Board direct staff to schedule a public hearing directly before the Board of County Commissioners.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt that staff be directed to set this on the agenda for the Board of County Commissioners.
In favor: Houpt – aye McCown – aye Martin - aye

CONSIDER THE REFERRAL OF A SPECIAL USE PERMIT FOR A SATELLITE WATER GATHERING FACILITY TO THE PLANNING COMMISSION. APPLICANT: ENCANA OIL AND GAS USA, INC. – CRAIG RICHARDSON

Craig Richardson presented a memorandum to the Board of County Commissioners regarding this referral.
Wagon Wheel Consulting is representing the applicant, John Railsback, property owner.
The applicant proposes to construct and operate a satellite water gathering facility and pipeline for the purpose of gathering produced water from natural gas wells and transferring the water to the existing hunter Mesa Water Treatment Facility for recycle of disposal. The facility is intended to minimize the impacts resulting from current truck traffic on public and county roads in the surrounding area. The water storage facility will consist of to – 500 barrel steel tanks equipped with on-location piping for unloading water from the transport trucks.
Staff recommends the Board not refer the matter to the Planning Commission due to the limited nature of potential impacts on surrounding properties and the benefits this project will have in regards to existing roadways.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to schedule this on the agenda the Board of County Commissioners.
In favor: Houpt – aye McCown – aye Martin - aye

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

NOVEMBER 13, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 13, 2006 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

- ***Discussion regarding 2006 PDO Buyout – Patsy Hernandez***

Patsy Hernandez submitted the buyout for PDO accrual amounts that exceed the maximum allowed on 12-31-2006 at 40% of the value of each hour over the maximum.
Direction was requested as to the pleasure of the Board to continue doing this.
Ed stated this has stabilized at about $10,000 and the requirement of 3 weeks vacation is in place.
Commissioner McCown said he could support this in theory.
Ed said they changed it this year that if they leave they only get .40 cents on the dollar of the overage.
Direction – continue the same process. Pasty will bring this back to the Board in January.

- ***Letter of Support for Wheeler Antero Lease***

Ed presented a letter for the Commissioner's signatures were presented with the purpose to support the Colorado Division of Wildlife's lease of the Wheeler State Wildlife Area to Antero Resources for future gas development. This is a project that will secure an opportunity for Antero Resources to develop gas resources from under Wheeler SWA for the financial benefit of the State of Colorado (CDOW) and Antero Resources. This includes no-surface occupancy.
This is parcel of land next to the railroad and not accessible except by water. They will drill under the river to access the land, a Riparian area and was given to the DOW.
Surface use agreements are in place across the river and no one would know that this is being drilled.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the signature of the Commissioners of support.
In favor: Houpt – aye McCown – aye Martin - aye

- ***Revision to Human Resources Policies and Procedures 5.16 Political Activity – Mark Bell***

Mark Bell submitted the policy draft outlining the political activity and how the future activities will be handled. This followed the meeting at the Road and Bridge.
Don has briefly reviewed this and suggested discussion to see if there is additional input.
Commissioner Houpt – asked to have the policy regarding elections inserted citing the Statute addressing the Campaign Laws.

Ed said this deals with the work hours and the facilities as well. Not only for a proposed elected official but the use of the site by a political party and need to charge the use of this BOCC room as well.
Needs to be guided by common sense.

- ***Action on denial or approval of collateral assignment of Hoak Media Assets at Anvil Points Communications Site – Dale Hancock***

Dale Hancock and Carolyn Dahlgren were present.
Carolyn drafted a letter and presented it to the Board stating that the Board of County Commissioners voted to disallow creation of a security interest in Hoak Media's interest under the Anvil Points, Garfield County "Site Utilization Agreement." The BOCC did not sign either the proposed "Consent to Collateral Assignment and Estoppel Certificate" or the "Lessor/Licensor Consent." The Board views the Site Utilization Agreement with Haok Media as a permit or license, not as a document conveying a real property interest. The BOCC operates the telecommunications site, subject of the license, not as a document conveying a real property interest. The BOCC operates the telecommunications site, subject of the Agreement, by way of a right-of-way agreement with the U.S. Department of Interior, Bureau of Land Management. The BOCC does not hold a fee interest in the translator site. KREX, thus, only has a "use right". Further the Site Utilization Agreement does not contemplate assignment, nor does it contain a paragraph permitting assignment to a lender or the creation of a security interest in the form of a leasehold mortgage or otherwise.
The County did receive the ACORD Certificate of Liability Insurance. It is not necessary to amend the current Insurance Certificate.
Carolyn – this involves real estate and asked that it be in front of the Board for approval. My recommendation is that the BOCC hold fast and this is only a right to use. Act consistently with the agreement and allows the collateral assignment.
Dale – it is a 30-year agreement.
Commissioner McCown – we may be looking at a new location; BLM has indicated to me that they are interested in looking at a better location. This particular site is a permitted and would not indicate it is anything else.
Carolyn – Hoak Media will not have a problem with that stance.
A letter of denial is included in the proposal.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the letter of denial drafted by Carolyn.
In favor: Houpt – aye McCown – aye Martin - aye
Our market has tweaked a lot of interest and may find ourselves in front of you for additional agreements.
Commissioner McCown – they are leases with another governmental entity and are right of ways. These will be brought in front of the Board.

- ***Wooldridge Hangar Request – Brain Condie***

Brain presented that the Airport would like to hold onto this property to continue the ramp down. Mr. Wooldridge is willing to move his building to a different location. VOR (penciled in) and Brian asked to have the new location approved.
Robert Wooldridge proposes to enter into a lease with Garfield County for a portion of the lot identified as 11FL of a size sufficient to permit construction of on 65' wide, 70' deep metal frame hangar building with westerly facing 60' wide by 20' high door, along with a 40' deep parking apron immediately to the west of the door, and vehicle parking spaces to the south of the apron area.
Construction would commence as soon as possible, weather permitting. The total dollar amount of the construction is $263,700.
A motion was made to authorize the move.
Commissioner Houpt so moved; Commissioner McCown seconded;
In favor: Houpt – aye McCown – aye Martin - aye

- ***Runway Alteration Proposal – Brain Condie***

Brian stated in a recent meeting with the FAA, a discussion was held on the continued high rate of aircraft overruns at our airport. At least seven jet aircraft overruns reported, six occurred while the runway was wet and still draining. The FAA requires that runways serving jet aircraft be grooved to minimize hydroplaning in wet conditions and discussed and identified as the best possible solution to mitigate further hydroplaning of jet aircraft landing in wet conditions at Rifle. A low and high range was quoted between $61,500 and $155,000 – these are anticipated costs.
Icy conditions were discussed – thrust projectors are in place and are used for these conditions.
Brian is asking for a not to exceed $70,000 – we have money in the airport budget.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize Brian to move forward to obtain bids for the airport project and move forward as quickly as possible. This will require an inspection and it will be included in the bid.
In favor: Houpt – aye McCown – aye Martin - aye
Commissioner McCown – there is the possibility that this will not work.

- ***Airport Surveillance System Contract – Brain Condie***

Brian stated the request for proposals is to obtain proposals for providing and installing an outdoor surveillance system for the Garfield County Regional Airport. Six RFP's were received and the Global Cyber Access was ranked as the number one choice with a total of 124.66 points out of a possible 140 points. Therefore the recommended bid award is to Global Cyber Access in the amount of $45,782.70.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the release of the contract to Global Cyber Access in the amount of $45,782.70 for upgrading the airport security.
In favor: Houpt – aye McCown – aye Martin - aye
This will not require a budget adjustment.

COUNTY ATTORNEY UPDATE – DON DEFORD

- ***Consideration/approval of Development Agreement with City of Glenwood Springs Re: Child Advocacy Center***

Don submitted the development agreement explaining the terms, effective date, obligations of the developer and the City, inspection procedures and easements.

Randy Withee and Don presented.

Randy reviewed the agreement and the permits. He is in agreement that waives fees and we do not have to post security. Don requested the Board authorize this agreement.

The City has asked for part of the right of way be dedicated to the City to conform with the actual drawing. They use it for part of their street today. This agreement conforms with the conditions the city proposes and the County has agreed to. We have plenty of parking for the existing use of the advocacy center and the other building and if we go back to the full use of the building. We need to protect our interest and this right of way secures the use of parking on the street.

Don wasn't sure of the position of the city. If this is city right of way you would have to provide parking and yes it could limit the use of the building as the Commissioners would have to increase parking.

Randy – the design hasn't changed.

Don pointed out that there is nothing in this agreement that was proposed to the City.

Commissioner Houpt is confused about the easement and asked Don to describe it.

Randy – the county and the city discussed this in 1977. Everything was on the south side. The code requirements are 5 foot sidewalk.

Chairman Martin – how much will this cost the citizens to modify.

Commissioner McCown – item D – widen the parking spaces required for the advocacy center to 9 ft. as required by the municipal code.

Randy – this is the requirement of the city.

Ed - the biggest problem in the past is the fire code and basically their administrative approach.

Commissioner McCown – suggested setting this aside until this afternoon.

Don – this is the west and south side.

The drawing was submitted and it does take a huge chunk.

This is not where we rely on parking.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to go forward with this and authorize the Chair to sign the development agreement withy the city for the purpose of building the child advocacy center.

Don – this is not a county street but a county right of way and we may be able to transfer it by a deed.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Introduction and reading of proposed Garfield County ordinance No. 2006 -1 – Ordinance Amending Ordinance 2005-1 as such adopted the International Fire Code of 2003 – Glenwood Springs Fire Protection District***

The Ordinance 2006-1 was presented and Don explained the amendment of 2005-1 as adopted.

Need to set this for a public hearing at which time you can adopt this by motion.

December 18th, at 10:15 a.m.

Commissioner McCown so moved; Commissioner Houpt seconded.

In favor: Houpt – aye McCown – aye Martin - aye

Executive Session: Litigation Update; Legal Advice - Status of the deliberative process document and confidentiality of that document; and personnel items that Mildred disclosed.

Ed and Pasty were requested to attend. Personnel item that Mildred has brought to the attention of the County Attorney and legal advice.

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 – Very happy that the campaign season is over; last Wed we had a Healthy Beginning Foundations Meeting – and the money is still going out to specific services and may last through the next year and we still need to find out if there is an interest in keeping the 501c3 in place of not; an I-70 Coalition meeting on Thursday and this week a Rural Resort meeting on Thursday for the Pine Beetle discussion.

Commissioner McCown –Northwest RAC on Thursday held at the Rec Center here in Glenwood Springs a normal meeting and had a presentation on oil shale leasing; and the different R & D projects, the status of the programmatic EIS; status on the EA's on the RD&D projects and it looks like all of the studies will be in place so that there could be possibly, if an application were received, commercial oil shale leasing could occur in 2008 – no one is anticipating that. The Energy Act it requires that the federal government be prepared to do that so following their marching order the BLM is moving forward with their studies and they will be in a position to do that but they are not anticipating this will happen but will have the application in place. Friday – a conference call with Club 20 Energy working group and the topic was the oil shale trust fund and severance tax a little concern on what we may be looking at this year as far as severance tax issues before the Legislature – there's been rumors around on what may happened and we want to try to be on the offensive rather than the defensive than we have been in the past because we're heard rumors there will be bills initiated to raise the amount charged to operators in Colorado because we don't meet up to the same standards as Utah, Wyoming and New Mexico however our tax structure is different than theirs and even though the percentage that is charged to the operators is less the assessed value is considerable higher on the amount at 87.5% so they are looking at two scenarios – rolling out the deductions that the energy companies are presently able to take as one possibility as opposed to raising the severance overall. The fear and concern that everyone has is that once this is open it could change the formulas; it could change it for the better or the worse – a tremendous pot of money that a lot of legislators

will be looking at and the western slope has a total of 15 votes if all of them were to side with us on this issue as opposed to the balance being on the eastern slope and the likelihood of wining is not good.
Chairman Martin sees this money being used for other things besides what it was intended to and thinks that the legislation will prove that out that it's like the energy impact grant money will be taken away and not utilized properly.
Commissioner McCown – one of the things discussed and again Jim Evans with AGNC and now is with Club 20, he through that the Oil Shale Trust Fund again, Don had done some significant research on this in the past that even though we don't have standing to ask for an AG standing as we've found out in the federal mineral leasing issues that maybe we should see if one of our legislators could ask for an AG's opinion on the Oil Shale Trust fund because he feels that the revenues from natural gas on oil shale lands could very easily go into that oil shale trust fund and all of that fund was distributed back to the local government, in fact it came back to the Counties and then the counties became the purveyor of that fund and would dispense grants to other local entities out of that fund is how it was explained to me – it was before I sat as Commissioner but that would clearly be something that I think we would be interested in given the apparent leasing of the Roan Plateau so all of that, strangely enough, the Naval Oil Shale Reserve are the only lands that have been identified by Congress as Oil Shale lands even though the entire formation runs to Utah, the Naval Oil Shale reserve are the only lands identified as Oil Shale Lands and that is where that oil shale trust fund does apply and it says all resources, so.
Chairman Martin – that's the legislation I'm talking about that will stay up, changed this year or actually next but I still see it changed and that money going more to the state than to the local governments.
Commissioner McCown – nevertheless if we could follow up on this and Don I will be talking with you on what you found in your research as well. This week I'm be gone hunting.
Chairman Martin – a couple requests – the County be a receiver of a special deposit box for flags to be disposed through different organization from the Boy Scouts, VA, Rotarians, Elks Club - that deposit box would be designed properly so that they could actually destroy the flags within that box, etc and would like to put it over next to the Veterans memorial on the Courthouse lawn so that the general public can bring their flags and put in that box. Responsibility would be with the groups and the County would only be the receiver. Also a request to get the memorial polished – Grand Junction does this.
Jan. 2 – 2007 meeting – temporary office staff and move this back until the second Monday. Larry will be here for the 15th meeting – had scheduled vacation to leave January 16th and will not return until February 2nd. If there is nothing scheduled we would have only two meeting. January 9th is the swearing in. Meet on the 8th and the 15th and if needed a special meeting.
ERC meeting Glenwood at 8:00 a.m. State and Federal; Pine Beetle. Facing an epidemic and will be participating Thursday 1 – 3 – Glenwood Springs Community Center.
Very disappointing Tuesday – Vi Lake passed away on Tuesday, November 7, 2006. Carbondale meeting in two weeks.

Don – inquiry – legal advice – agenda for this afternoon regarding living quarters for oil and gas.

Don DeFord – Lastly, Mildred has given me the notification card we received from the Secretary of State's office every year on the Garfield County Services Center and incorporated in that Board of Directors, I would like to defer any discussion of this until next week, I think we need to put out of existence since we don't own the property any more.
Chairman Martin - This concerns the Taughenbaugh Building and the Corporation to run it.
Don – the Corporation you don't need any more.
Commissioner McCown – but we do have two corporations in place that own these buildings that we have to make sure they meet each year.
Ed asked if Mildred received notice on those as well.

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; carried.

REGULAR AGENDA

PUBLIC MEETINGS: CONSIDER A REQUEST TO WAIVE AN ANNEXATION IMPACT REPORT REQUIREMENT FOR THE CITY OF RIFLE COLROADO MOUNTAIN COLLEGE ANNEXATION. APPLICANT: CITY OF RIFLE – FRED JARMAN

Jim Neu, CMC attorney Julie Hanson with Beattie and Chadwick and Fred Jarman presented.
The City of Rifle requested a waiver of an annexation impact report for a property owned by CMC which wishes to annex into the City of Rifle. While the City of Rifle annexed a strip of land along CR 319/352 to reach the COGEN plant the City has not annexed the county road itself. So the subject property to be annexed is located on CR 319/352 which has not been annexed. The City provides water and sewer to the area, which according to the City Public works Director, is adequate to serve the development. The road would be impacted by trips to and from the campus, however staff understands that the road may be annexed as part of a larger annexation of Bob Howard property in the future.
Jim Neu apologized that they forgot to ask for the waiver.
Commissioner McCown acknowledged that the City did not annex the County Road.
Don – in terms of access to the County Road, do you intend to get a permit from the Road and Bridge to meet the engineering aspects of the intersection.
Jake Mall – the permit is a done deal.
Don – when the parcel was created?
Julie – it's being created by the annexation process. CMC owns the property – a land donation.

Don – the split needs to go through the subdivision exemption process and ask that you comply with those requirements.

A motion was made by Commissioner McCown to waive the annexation report for the CMC West Campus. The remaining parcel is in the process of being annexed into the City as well.

Commissioner Houpt – seconded.

In favor: Houpt – aye McCown – aye Martin - aye

CONSIDER A REQUEST FOR AN AMENDMENT TO THE FINAL PLAT OF CERISE RANCH, PHASE I, LOT 1. APPLICANT: MKS INVESTMENTS, LLC – CRAIG RICHARDSON

Craig Richardson, Jess Spanel, and Don DeFord were present.

Craig submitted the following Exhibits for the record: Exhibit A – Staff memorandum; Exhibit B – Application materials; Exhibit C – Subdivision Regulations of Garfield County, Colorado of 1984; Exhibit D – Garfield County Zoning Regulations of 1978 as amended.

Chairman Martin entered Exhibits A – D into the record.

I. DESCRIPTION OF THE PROPOSAL

8. The owner of Lot 1 requests approval to create a utility easement and reconfigure the platted building envelope. The illustration below depicts the originally approved building envelope in dashed lines and the proposed reconfigured envelope in a solid form. The reconfiguration decreases the envelope size by 721 sq. ft. The purpose of this plat amendment is to move the building envelope so that it will not overlap the created utility easement. This change was requested by the Mid Valley Metropolitan District.

II. STAFF COMMENTS / CONCERNS

The subject lot is located in Cerise Ranch, Phase I, zoned Agricultural/Residential/Rural Density. The proposed change to the current building envelop will not exceed the required setbacks as stated in the Garfield County Zoning Resolution of 1978. This alteration actually creates a smaller building envelop and does not encroach on the approved Common/Open Space Easement.

Staff has no objections to the proposed utility easement requested by Mid Valley Metropolitan District.

III. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners approve this amended plat request with the following conditions:

6. That all representations of the Applicant, either within the Application or stated at the meeting before the Board, shall be considered conditions of approval.
7. Within 90 days of approval, the Amended Final Plat shall be reviewed (paper copy), then signed and dated (mylar copy) by the County Surveyor, than 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 final plat for utilities as shown on the draft with the 2 conditions noted by staff.

In favor: Houpt – aye McCown – aye Martin - aye

CONSIDERATION/APPROVAL OF BIEBL PARCEL SPLIT - Don DeFord

Commissioner Houpt recused herself from the hearing due to a conversation with her husband who represents the school district.

Jeff Houpt submitted correspondence submitted on behalf of the RE-1School District and Jim Biebl, concerning a boundary line adjustment and lot split issue. Don explained and confirmed the letter of November 18, 2005 accurately summarized discussions and conclusions reached. The opinion is that as a result of the transfer to Colorado-Ute, the School District is entitled to undertake a boundary line adjustment with Mr. Biebl, which does not increase the number of lots that were created by the Colorado-Ute split.

A motion was made by Commissioner McCown and seconded by Commissioner Chairman Martin to approve the Biebl Parcel Split.

In favor: McCown – aye Martin - aye

CONSIDER A REFERRAL OF A SPECIAL USE PERMIT REQUEST FOR EXTRACTION, STORAGE AND PROCESSING OF NATURAL RESOURCES IN THE AGRICULTURAL/INDUSTRIAL ZONE DISTRICT FOR A GRAVEL PIT: APPLICANT – SILT SAND AND GRAVEL, LLC. FRED JARMAN

Fred Jarman, Tim Thulson, and Don DeFord were present.

Fred Jarman presented the background saying the County received a SUP application for a sand and gravel extraction operation to be known as the Grand River Park Project in (AI) zone district. The proposed operation intends to mine sand and gravel from approximately 110 acres of a 168-acre property located south of the Colorado River and I-70 just west of Silt, CO.

Staff recommendation:

Due to the significant size of the extraction operation, environmental issues associated with wetlands and the riparian/floodplain areas of the Colorado River, significant visual impacts, as well as impacts to the Town of Silt's general planning area identified in their Comprehensive Plan, staff recommends the Board direct staff to schedule a public hearing before the Planning Commission in order to obtain a recommendation to the Board of County Commissioners.

Fred attached the Introduction submitted by Silt Sand & Gravel LLC showing their basis narrative to the Board. The owner of the property is actually Gypsum Ranch, LLC instead of Silt Sand and Gravel.

Tim Thulson – they are not requesting an exemption from P & Z.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to refer the SUP for the Silt Sand and Gravel LLC. to the P & Z Commission.

In favor: Houpt – aye McCown – aye Martin - aye

Executive Session
Jesse, Board, Planning Staff to stay for the session.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion ca

PUBLIC HEARING:
REVIEW OF A TEXT AMENDMENT TO 5.02.21 OF THE ZONING RESOLUTION OF 1978 AS AMENDED, "SPECIAL USE PERMITS FOR TEMPORARY HOUSING AT CONSTRUCTION SITES". APPLICANT: WILLIAMS PRODUCTION RMT.CO – DAVID PESNICHAK
David Pesnichak, Phil Vaughan, Don DeFord, Williams Production RMT, Co, Rocky Mountain Regional Manager, Environmental and Regulatory Affairs, Chris Freeman
Don DeFord reviewed the noticing requirements for the public hearing and determined the proof of publication was timely and accurate. He advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Exhibit A – Garfield County Zoning Regulations of 1978 as amended (the Zoning Code); Exhibit B – Staff memorandum; Exhibit C – application from Williams Production RMT Co.; Exhibit D – Letter from Grand Valley Fire Protection District, dated 10-20-1006; Exhibit E – Email from Howard Earnest, dated 10-3-2005; Exhibit F – email from Doug Dennison, dated 10-5-2006; Exhibit G – Proposed Amendments from EnCana, presented at Planning Commission dated 10-11-2006; Exhibit H – Email from Carol Harmon Assistant Attorney for COGCC; Exhibit I – Letter from Conoco Phillips, dated 11-6-2006; Exhibit J – Letter from EnCana, dated 10-27-2006; Exhibit K – email from Steve Anthony dated 10-24-2006; Exhibit L – Email from Jim Rada, Dated 10-23-2006; Exhibit N - Proof of Publication; Exhibit O – Letter from Berry Petroleum Company dated 11-09-2006.
Chairman Martin entered the Exhibits A – O eliminating Exhibit M into the record.

I. BACKGROUND

At present, Section 5.02.21 "Special Use Permits for Temporary Housing at Construction Sites" only applies to construction projects for which a building permit is issued where there is a demonstrated shortfall of permanent employee housing. As oil and gas development continues to expand throughout Garfield County into increasingly remote locations, applications for remote onsite workforces are increasing. In addition, with the recent interpretation from the Colorado Oil and Gas Conservation Commission that local government has authority over all onsite housing, this regulation will allow a Special Use Permit process for those camps previously considered preempted. Since there are currently no other counties in Colorado, which have regulations governing Temporary Employee Housing (i.e. "Man Camps" or "Labor Camps"), Garfield County is essentially blazing new territory within the regulatory framework of Colorado by considering the requested text amendment.

II. LAND USE GOALS

- Protect surface and ground water resources through adequate and necessary waste water treatment and management.
- Allow development in such a manor as to promote timely, cost effective and efficient emergency response, fire protection and enforcement.
- Promote the safety of those using county roadways as well as extending the functional life of public infrastructure.
- Promote the health and well being of the local county citizenry by improving air and water quality as well as reducing light pollution and visual impacts.
- Limit surface land use impacts in order to maintain the aesthetic, biological and ecological resources of the region for current and future generations.
- Restrict impacts on neighboring local economies by requiring that such temporary housing sites to be constructed only when local housing is not available.
- Limit disturbance to wildlife as well as potential conflicts between wildlife and local human inhabitants.

III. CONSISTANCY WITH EXISTING COUNTY REGULATIONS

The Oxy Amendment which was passed on June 6th, 2006, added: "Camper Park for the purpose of providing temporary quarters to employees and contractors of the energy extraction industries" as a Uses, special to Sections 3.10.01, 3.10.03 and 3.10.04 of the Garfield County Zoning Resolution of 1978, as amended.

"Camper Park for the purpose of providing temporary quarters to employees and contractor of the energy extraction industries" are permitted in the following zone districts:

Zone District Permitted

Resource Lands (Plateau) Special Use Permit

Resource Lands (Talus Slopes) Special Use Permit

Resource Lands (GSLVF) Special Use Permit

Since the proposed text amendment as recommended by the Planning Commission and Staff provides for recreational vehicles (see definition in the section below), maintaining the Oxy Amendment will allow for similar development under different regulations. In other words, if the Oxy Amendment is kept in place while the proposed Temporary Employee Housing is passed, an applicant will have the opportunity to choose whether they would like to apply under §5.02 "Mobile Home Park and Camper Regulations" or §5.02.21 "Temporary Employee Housing" within the RL Plateau/Talus Slope/GSLVF Zone Districts.

In order to reduce confusion as well as duplicity, staff recommends that the Board provide guidance to the Planning Department to eliminate what has become known as the Oxy Amendment. In consequence, the special use of a "Camper Park for the purpose of providing temporary quarters to employees and contractor of the energy extraction industries" would be eliminated from §3.10.01, §3.10.03 and §3.10.04 of the Garfield County Zoning Resolution of 1978, as amended. Since the proposed amendment to §5.21.02 "Temporary Employee Housing" would be allow for mobile homes and recreational vehicles as a special use in all zoning districts, applicants must then apply for temporary employee housing under this section. The existing Oxy Special Use Permits will remain in place as legal non-conforming uses.

IV. CONSISTANCY WITH CURRENT STATE REGULATIONS

Up to the receipt of an email on October 27, 2006 from Carol Harmon (see Exhibit H), Assistant Attorney General with the State of Colorado Department of Law on behalf of the Colorado Oil and Gas Conservation Commission (COGCC), Garfield County staff was under the assumption that county authority was pre-empted by the COGCC on resource extraction pads unless it appears there is "no operational conflict" with the extraction of the resource at hand. This assumption expanded to the housing of those considered "essential personnel" (rig foreman, geologist and pipe fitter). The email received from Ms. Harmon states that "I do not believe that the OGCC's statute or rules preempt local governments from regulating housing and related facilities at or near well sites. Rather, CDPHE in conjunction with local governments have the statutory authority and rule relevant to these facilities."

In light of this development, staff further recommends that the Board of County Commissioners direct staff to draft land use regulations concerning those camps previously considered preempted by the COGCC. As nearly all well drill pads have at least "essential personnel" living on approved APD well pads, the requirement for these developments to submit under the proposed SUP requirements would be excessively burdensome to not only county staff but also the BOCC. Staff would like to pursue a route, which will be more expeditious and appropriate for this kind of temporary development.

V. REQUEST

The applicant, Williams Production RMT, Inc., requests amending Section 5.02.21 to accommodate manufactured homes for the use of temporary employee housing. The revision as proposed would be effective in all zoning districts. Below are the changes that the applicant would like to see in Section 5.02.21:

Color Key: Red – Applicant proposed changes.

Garfield County Zoning Resolution of 1978
Proposed Text Amendment
8/25/06

5.02.21 Special Use Permits for Temporary Housing ~~at Construction Sites~~

~~(1)~~ At times of severe housing shortage or other unusual emergency conditions, special use permits for temporary housing in the nature of ~~mobile houses~~ manufactured homes~~, campers~~ and recreational vehicles may be granted related to commercial, industrial and highway construction projects of substantial size in any zone district by the County ~~Service~~ Commissioners through the special use permit process. Such housing shall be of a temporary nature and shall be removed at the expiration of the permit. ~~When the construction project will last longer than one (1) year, the special use permit under this Section shall not be granted.~~

Commissioner McCown inquired about the snow load and David stated they were the same. A building office trailer that would require a permit would require a snow load.

David stated this is not to open up a whole new set of regulations for these temporary housing units.

(2) Special Use Permit for Temporary Housing ~~on Construction Sites~~: The applicant shall submit an adequate site plan, proposed water supply, proposed method of sewage treatment and names and addresses of adjacent property owners. The applicant is responsible for providing this information.

(A) For self-contained temporary housing units, the applicant must demonstrate and guarantee arrangement for hauling of water and sewage.

(B) ~~For units which are not self-contained,~~ If a central water and sewage treatment system ~~must~~ is to be provided, then it must comply with specifications approved by the County, and if appropriate, the Colorado Department of Public Health and Environment.

(C) In no case shall unsafe water be used for drinking nor shall raw sewage or used water be discharged on the ground surface.

(D) Temporary housing shall be considered self-contained if it includes a toilet and a bath or shower.

(3) The maximum allowable time length of the permit is ~~six (6) months~~ one (1) year. For good cause shown, the permit may be renewed. By way of example and not limitation, good cause may constitute progress towards more permanent housing, and nature of the construction project.

(4) Temporary housing shall be located on a ~~construction~~ site authorized by a

governmental agency or reasonably adjacent thereto, ~~for which a building permit has been issued,~~ and inhabitants on that site shall be only ~~construction~~ employees and subcontractors working on that site, and not dependents of employees.

(5) Temporary housing sites shall be maintained in a clean, sanitary and safe condition, free from hazardous or noxious materials, weeds and refuse. The applicant is responsible for ensuring compliance.

(A) Fire Protection; General Requirements: Provisions shall be made for giving alarm in case of fire. It shall be the responsibility of the duly authorized attendant or caretaker to inform all tenants about means for summoning fire apparatus, sheriff's department and park employees. ~~No open fires shall be left unattended at any time.~~ One (1) or more approved extinguishers of a type suitable for flammable liquid or electrical fires (Class B and Class C), carbon dioxide or dry chemical, shall be located in an open station so that it will not be necessary to travel more than one hundred (100) feet to reach the nearest extinguisher. A water storage tank may be required if County and local fire protection officials deem it necessary.

(B) Bear-proof ~~R~~refuse containers must be provided for trash. At least one thirty (30) gallon (4 cubic feet) container shall be provided for each unit or the equivalent in a central trash collection facility. Said container(s) must be durable, washable, non-absorbent metal or plastic with tight-fitting lids.

Refuse shall be disposed of not less than once weekly.

~~(6) Certificates of Occupancy for a construction project shall be withheld until temporary housing is removed and the site is restored to the satisfaction of the County.~~

~~(7) Once the permit for temporary housing is granted, the applicant shall comply with all the foregoing regulations or the County will issue a STOP WORK ORDER for the construction project until temporary housing site is brought into compliance with the regulations.~~

(8) If there is suitable housing space available in the nearby area to the construction project, the ~~temporary building~~ special use permit shall not be granted. ~~Written statements from nearby mobile home parks or other employee housing projects may be submitted to demonstrate housing need.~~

(9) No animals shall be allowed at temporary housing sites.

(10) In evaluating a request for a Temporary Housing Special Use Permit, the County Commissioners may require compliance with additional provisions as they might be needed to ensure the health, safety and welfare of the public. (A.81-263)

VI. STAFF COMMENTS

Due to the nature and scope of this request, staff feels that extensive revision of Section 5.02.21 is necessary to ensure that the proposed camps promote and not degrade the health, safety and welfare of the Garfield County community. As a result of input from the planning staff, legal staff, building staff, Public Health Department, Vegetation Management and the Sheriff's Office, the following comments and suggested language has been drafted for the Board of County Commissioners to consider:
Update 9, 10/19/2006
Color Key: Red – Applicant proposed changes.
Blue – Staff proposed changes or comments.
~~Black –~~ Staff proposed strike of original text.
Green - Planning Commission Comments/Questions
Brown - Staff Proposed changes after Planning Commission Hearing

Garfield County Zoning Resolution of 1978
Proposed Text Amendment
8/25/06

5.02.21 Special Use Permits for Temporary Housing ~~at Construction Sites~~

- Staff recommends titling this section: "5.02.21 Special Use Permits for Temporary Employee Housing:".

(1) ~~At times of severe housing shortage or other unusual emergency conditions, special use permits for temporary housing in the nature of mobile houses~~ manufactured homes~~, campers and recreational vehicles may be granted related to commercial, industrial and highway construction projects of substantial size in any zone district by the County Service Commissioners through the special use permit process. Such housing shall be of a temporary nature and shall be removed at the expiration of the permit. When the construction project will last longer than one (1) year, the special use permit under this Section shall not be granted.~~

- Staff recommends the following language: "(1) At times of severe housing shortage, extremely remote locations or other emergency conditions, special use permits for temporary employee housing in the nature of manufactured homes [as defined under C.R.S. 42-1-102 (106) (b)] and/or recreational vehicles [as defined under C.R.S. 42-1-102 (61), with the addition that such truck, truck tractor, motor home or camper trailer is being used for temporary living quarters and not recreational purposes] may be granted for projects within Garfield County related to commercial, industrial, mineral extraction or highway operations of substantial size in any zone district by the County Commissioners through the special use permit process. Such housing shall be of a temporary nature. At the expiration of the permit, the lands shall be restored and all housing structures and associated infrastructure shall be removed. Review of the permit shall be subject to §9.03.05 and §5.03. All temporary housing is subject to all applicable building code, state and federal permit requirements, fire protection district requirements and fire code requirements."

- The replacement of “mobile houses” updates the code with “manufactured homes” [C.R.S. 42-1-102 (106) (b) "Manufactured home" means any preconstructed building unit or combination of preconstructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which unit or units are not licensed as a vehicle.]
  - As the amendment maintains the use of recreational vehicles, camper parks would still be permitted as a means of housing workers. [C.R.S. 42-1-102 (61) "Noncommercial or recreational vehicle" means a truck, or unladen truck tractor, operated singly or in combination with a trailer or utility trailer or a motor home, which truck, or unladen truck tractor, or motor home is used exclusively for personal pleasure, enjoyment, other recreational purposes, or personal or family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise.]

(2) ~~Special Use Permit for Temporary Housing on Construction Sites~~: ~~The applicant shall submit an adequate site plan, proposed water supply, proposed method of sewage treatment and names and addresses of adjacent property owners. The applicant is responsible for providing this information.~~

- Staff recommends including site plan standards with the following language: “(2) Special Use Permit for Temporary Housing: The applicant shall submit an adequate site plan, consistent with §9.01.01 and including proposed water supply, proposed method of sewage treatment and names and addresses of adjacent property owners.”

~~(A) For self-contained temporary housing units, the applicant must demonstrate and guarantee arrangement for hauling of water and sewage.~~

- Staff recommends the following language: “(A) Water and wastewater systems proposed to service temporary housing must comply with all applicable state and local laws and regulations. In addition, all sewage must be disposed of on-site using an Individual Sewage Disposal System (ISDS) unless the applicant can prove:~~, with a preponderance of evidence,~~

1. That, at the discretion of the Garfield County Board of Health, an ISDS system is not feasible due to environmental, topographic or engineering conditions where the temporary housing is to be located; or

2. That, at the discretion of the Garfield County Board of Health, year-round access is available and maintained for safe and regular access for sewage hauling vehicles. In addition, the following conditions must be met:
   a. The applicant must demonstrate and guarantee an arrangement for hauling sewage and;
   b. Applicants must maintain all records including but not limited to trip logs/reports and landfill receipts and;
   c. All sewage disposal records must be maintained as public records to be available to the County and/or any other interested third party upon request and;

d. The temporary housing must not exceed a cumulative of one (1) year at an approved location.

- Due to the potential remoteness of these camps, staff feels an ISDS capable of handling onsite disposal is necessary since road closures caused by inclement weather are a real possibility. However, to limit site impacts, staff feels that allowing vault and haul systems, which can be reliably serviced should be permitted under certain circumstances.

(B) ~~For units which are not self-contained,~~ If ~~a central water and sewage treatment system must~~ is to ~~be provided,~~ then it must comply ~~with specifications approved by the County~~, and if appropriate, the Colorado Department of Public Health and Environment.

• Staff recommends the following language: "(B) For sites where potable water is hauled to and wastewater is hauled out, applicants must keep appropriate records, to be provided to the County upon request, to demonstrate that water supplied to a site is from an approved source and that wastewater is disposed at an approved facility. For facilities serving twenty-four (24) people or less, the operator must conduct monthly tests (or quarterly if an on-site disinfection system is installed) and maintain records of stored potable water samples specific for coli form. Any tests indicating coli form contamination must be disclosed to the Garfield County Board of Health or designee. Water systems serving twenty-five (25) people or more must demonstrate conformance to state regulations by obtaining all necessary state permits prior to the scheduling of a Temporary Employee Housing Special Use Permit public hearing.

o Recent experience has shown that although water is hauled up from an approved source, cross contamination at the site has been occurring. In order to mitigate the potential health effects of coli form, staff recommends testing at the site where the potable water is stored in order to assure its purity.

(C) In no case shall unsafe water be used for drinking nor shall raw sewage or used water be discharged on the ground surface.

(D) ~~Temporary housing shall be considered self-contained if it includes a toilet and a bath or shower.~~

• If the proposed language for 2 (b) is agreed upon, then 2 (d) is presumably not necessary.

• Staff proposes the following language: "(D) Temporary employee housing sites must be ~~tied to~~ related to one or more mineral extraction locations and shall be limited to a ~~density no greater than one (1) temporary housing site per 320 acres of gross land area~~ spacing of at least one (1) mile between temporary housing sites, regardless of land ownership or operator. Temporary Employee Housing for oil and gas extraction purposes in the Resource Lands (RL) zoning district may be exempt from the one mile spacing if the operator can prove that the housing structures and all supporting infrastructure will be contained within the COGCC approved well pad and there will be no new additional land disturbance outside of the COGCC approved well pad. If the applicant is applying for temporary employee housing on an approved COGCC well pad, the applicant must provide the relevant approved APD permit indicating housing location(s) along with the Special Use Permit application for Temporary Employee Housing."

o The purpose of this language is to prevent many small camps from being created around the county. The implications of having many small camps are increased impact to the landscape through roads, sewage disposal and material transportation as well as an enlarged possibility of problems through the shear number of housing sites. In addition, more camps translates into more complex, time consuming and costly emergency response and enforcement. Staff changed the language from 1 temporary housing site per 320 acres to a 1 mile spacing due to varying interpretations and potentially difficult enforcement of the 1 per 320 density requirement. In order to further reduce land impacts, staff has added language which provides for oil and gas extraction operations to be exempt from the 1 mile spacing in the Resource Lands zoning district if the housing is fully contained on a COGCC approved well pad. This will reduce the need for disruption of otherwise unbroken land as well as reducing vehicle miles by allowing workers to reside at their workplace.

(3) ~~The maximum allowable time length of the permit is six (6) months~~ one (1) year. ~~For good cause shown, the permit may be renewed. By way of example and not limitation, good cause may constitute progress towards more permanent housing, and nature of the construction project.~~

• Staff recommends the following language: "(3) The maximum allowable time length of the special use permit is subject to one (1) year ~~unless otherwise approved by the Board of County Commissioners~~. For good cause shown, the permit may be renewed annually in a public meeting with notice by agenda only. Annual renewal review shall be based on the standards herein as well as all conditions of the permit. A permit may be revoked anytime through a public hearing called up by staff or the Board of County Commissioners. By way of example and not limitation, continued non-availability of a permanent housing inventory or the nature of the construction or extraction project may constitute "good cause" for renewal. The applicant must provide an estimated total cumulative length of time the Temporary Employee Housing will be at the proposed location along with any intentions to request renewal past the one year expiration date as apart of the Special Use Permit application. Failure to provide intentions for renewal will prohibit the Temporary Employee Housing Special Use Permit application from future renewal consideration.

Commissioner McCown - These will expire in one year.

David – it would be like a referral and not a public hearing.

(4) ~~Temporary housing shall be located on a construction site~~ authorized by a governmental agency ~~or~~ reasonably ~~adjacent thereto, for which a building permit has been issued, and inhabitants on that site shall be only construction employees~~ and subcontractors ~~working on that site, and not dependents of employees.~~

• Staff recommends the following language: "(4) Temporary housing shall be located at a site authorized by the Board of County Commissioners and identified on the relevant site plan submitted with the Special Use Permit. Inhabitants of the temporary housing shall be applicant's employees and/or subcontractors, working on the related construction or mineral extraction operation, and not dependents of employees, guests or other family members."
David – no maximum number was included.

~~(5) Temporary housing sites shall be maintained in a clean, sanitary and safe condition, free from hazardous or noxious materials, weeds and refuse. The applicant is responsible for ensuring compliance.~~

• Staff proposes the following language:
"(5) Temporary employee housing sites shall be maintained in a clean, safe and sanitary condition, free of weeds and refuse. Any hazardous or noxious materials that must be stored on site for operational or security reasons must be managed in accordance with all applicable federal, state and local laws and regulations".

(A) Fire Protection; General Requirements: Provisions shall be made for giving alarm in case of fire. It shall be the responsibility of the duly authorized attendant or caretaker to inform all ~~tenants~~ employees about means for summoning fire apparatus, sheriff's ~~department~~ office and ~~park~~ resident employees. ~~No open fires shall be left unattended at any time.~~ One (1) or more approved extinguishers of a type suitable for flammable liquid or electrical fires (Class B and Class C), carbon dioxide or dry chemical, shall be located in an open station so that it will not be necessary to travel more than one hundred (100) feet to reach the nearest extinguisher. A water storage tank may be required if County and local fire protection officials deem it necessary.

Commissioner Houpt – it really makes a difference if you have 24 people on site versus 100 people on site – water issues, safety and wondered why numbers were not addressed.
David – the impetus is that the oil and gas already has these set up. A smaller site is generally 24 and under and it seems to be a happy number as to what is needed on a well site.
Carolyn Dahlgren took over as the Deputy County Attorney.

• Staff recommends replacing "No open fires shall be left unattended at any time" with: "All fires are subject to §307 of the 2003 International Fire Code (IFC) including but not limited to permits, attendance, open fires, coal grills, fire bans and bon fires." In addition, Staff recommends replacing "department" with "office" and "park" with "resident" in order to update the regulations.

(B) Bear-proof ~~R~~refuse containers must be provided for trash. At least one thirty (30) gallon (4 cubic feet) container shall be provided for each unit or the equivalent in a central trash collection facility. Said container(s) must be durable, washable, non-absorbent metal or plastic with tight-fitting lids.
Refuse shall be disposed of not less than once weekly.

• Staff supports language to require bear-proof refuse containers.
• Staff Proposes adding the following language:
"(C) Outdoor food storage is prohibited unless facilities that prevent the attraction of animals to the temporary employee housing site are provided."

o This language came from current conditions at a camper park within the county serving a resource extraction operation. The attraction of animals is a real possibility in remote locations and minimizing the human-wildlife interaction is important in order to diminish problems in the field. Some of these interactions could result in an increased demand on public services such as emergency response.

• Staff Proposes adding the following language:
"(D) The applicant shall provide a detailed map to the Garfield County Sheriff's Office which is sufficient for emergency response purposes, including location of the temporary housing site; private and public roadways accessing the site, marked as open, gated and/or locked; and detailed directions to the site from a major public right-of-way. The map is subject to approval by the Garfield County Sheriff's Office."

~~(6) Certificates of Occupancy for a construction project shall be withheld until temporary housing is removed and the site is restored to the satisfaction of the County.~~

• Enforcement measures are important to have in place. Staff recommends the following language:

"(6) If structures, requiring Building Permits under the Garfield County Building Code, are constructed for the commercial, industrial, highway project or mineral extraction operation related to the Temporary Employee Housing Site for which a Special Use Permit is issued, upon expiration or revocation of the permit Certificates of Occupancy for such structures shall be withheld until the temporary living quarters are removed and the site is restored to the satisfaction of the County Building and Planning Director."

~~(7) Once the permit for temporary housing is granted, the applicant shall comply with all the foregoing regulations or the County will issue a STOP WORK ORDER for the construction project until temporary housing site is brought into compliance with the regulations.~~

• Enforcement measures are important to have in place. Staff recommends the following language:

"(7) If a permit for temporary employee housing is granted, the applicant shall notify the county when site development begins. The applicant shall verify in writing, by site plan and through photo documentation that the site, water system, and sewage disposal system were designed, installed and inspected in accordance with the special use permit and comply with all applicable regulations, permits, and conditions. All written documentation and site plans verifying compliance must be stamped by a certified Colorado Engineer. The county also reserves the right to inspect a site, without notice, to assess compliance with the special use permit. A determination of noncompliance with any Temporary Housing Special Use Permit, or condition approval thereof, is grounds for revocation or suspension of said Permit, in accordance with Section §9.01.06."

Add – no gates should be added – Commissioner McCown – to allow someone to stay on the site with the property owner. This is the best example of protecting ourselves.

David – this applies to all zone districts.

Commissioner McCown – no action and then we would be pre-empted by the state.

Chairman Martin – put in man camps, small crews, in remote areas.

David – this zone district text amendment applies to every zone district. Most of them are going to be in the Resource Land District.

Chairman Martin – limit this to remote zone districts.

Commissioner McCown – the OXY amendment

David – the Oxy amendment as originally proposed does apply to every zone district in the County.

(8) ~~If there is suitable housing space available in the nearby area to the construction project, the temporary building~~ special use ~~permit shall not be granted. Written statements from nearby mobile home parks or other employee housing projects may be submitted to demonstrate housing need.~~

• Staff proposes the following language:

"(8) If there is suitable permanent housing inventory available in an area near the commercial, industrial, highway project or mineral extraction operation, as determined in the discretion of the BOCC, the Temporary Housing Site Special Use Permit shall not be granted."

Commissioner Houpt – this goes back to the long drive and dangerous to drive away from a far away site, then this provision would be for safety purposes.

David – the housing shortage, this would not be close to Parachute or other areas.

- The foot print of these temporary housing sites is potentially very large individually while the cumulative impact is much larger. In order to minimize this impact both on the landscape, the environment and on county services, staff proposes the above mentioned language to require applicants to consider existing accommodations before constructing temporary housing projects.

(9) No animals shall be allowed at temporary housing sites.

(10) In evaluating a request for a Temporary Housing Special Use Permit, the County Commissioners may require compliance with additional provisions as ~~they might~~ may be needed to ensure the health, safety and welfare of the public. (A.81-263

(11) The applicant shall submit as part of the Special Use Permit, a reclamation and revegetation plan for each specific site addressing all points in section eleven (11) for Temporary Employee Housing.

a. Debris and waste materials, including, but not limited to structures, concrete, footings, sewage disposal systems and related infrastructure, water storage and related distribution infrastructure, roads, and other sand, plastic, gravel, pipe and cable shall be removed. All pits, cellars, and other holes will be backfilled as soon as possible after all equipment is removed to conform to surrounding terrain. All access roads to the site and associated facilities shall be closed, graded and re-contoured. Culverts and any other obstructions that were part of the access road(s) shall be removed. Upon closure of a camp facility, wastewater tanks shall be completely pumped out and either crushed in place, punctured and filled with inert material or removed. Any waste material pumped from a wastewater tank or waste debris from tank removal must be disposed of at an approved facility that is permitted by CDPHE and/or Garfield County to receive said wastes. Materials may not be burned or buried (other than ISDS) on the premises. All disturbed areas affected by temporary employee housing or subsequent operations shall be reclaimed as early and as nearly as practicable to their original condition and shall be maintained to control dust, weeds and minimize erosion. As to crop lands, if subsidence occurs in such areas additional topsoil shall be added to the depression and the land shall be re-leveled as close to its original contour as practicable. Reclamation shall occur no later than three (3) months after the permit expires unless otherwise approved by the Director extends the time period because of conditions outside the control of the applicant.

b. All areas compacted by temporary employee housing and subsequent operations shall be cross-ripped. On crop lands such compaction alleviation operations shall be undertaken when the soil moisture at the time of ripping is below thirty-five percent (35%) of field capacity. Ripping shall be undertaken to a depth of eighteen (18) inches unless and to the extent bed rock is encountered at a shallower depth.

c. When a temporary employee housing site is removed, all disturbed areas will be restored and revegetated as soon as practicable. For disturbed areas <u>not regulated by the Colorado Oil and Gas Conservation Commission,</u> the following regulations will apply:

(1) Revegetation of crop lands. All segregated soil horizons removed from crop lands shall be replaced to their original relative positions and contour, and shall be tilled adequately to re-establish a proper seedbed. The area shall be treated if necessary and practicable to prevent invasion of undesirable species and noxious weeds, and to control erosion. Any perennial forage crops that were present before disturbance shall be reestablished.

(2) Revegetation of non-crop lands. All segregated soil horizons removed from non-crop lands shall be replaced to their original relative positions and contour as near as practicable to achieve erosion control and long-term stability, and shall be tilled adequately in order to establish a proper seedbed. The disturbed area then shall be reseeded in the first favorable season. Reseeding with species consistent with the adjacent plant community is encouraged. In the absence of an agreement between the applicant and the affected surface owner as to what seed mix should be used, the applicant shall consult with

representative of the local soil conservation district to determine the proper seed mix to use in revegetating the disturbed area.

d. During occupation and reclamation operations, all disturbed areas shall be kept free of Garfield County and State of Colorado List A and B noxious weeds.

e. Successful reclamation of the site and access road will be considered completed when:

(1) On crop land, reclamation has been performed as per 11(c)(1) of this section, and observation by the Director over two growing seasons has indicated no significant unrestored subsidence.

(2) On non-crop land, reclamation has been performed as per 11(c)(2) of this section, and the total cover of live perennial vegetation, excluding noxious weeds, provides sufficient soils erosion control as determined by the Director through a visual appraisal. The Director shall consider the total cover of live perennial vegetation of adjacent or nearby undisturbed land, not including overstory or tree canopy cover, having similar soils, slope and aspect of the reclaimed area.

(3) A final reclamation inspection has been completed by the Director or designee, there are no outstanding compliance issues relating to Garfield County rules, regulations, orders or permit conditions, and the Director or designee has notified the applicant that final reclamation has been approved.

VII. STAFF RECOMMENDATION

The following staff recommendations are the blue items from the explanations above in Section III of this staff report. These recommendations are based on requests from the applicant in Section II of this staff report as well as input from planning staff, legal staff, building staff, Public Health Department and the Sheriff's Office. Staff recommends the Planning Commission recommend the Board of County Commissioners approve the following text amendment to Section 5.02.21 of the Zoning Resolution of 1978:

Garfield County Zoning Resolution of 1978
Proposed Text Amendment
Staff Recommendation

5.02.21 Special Use Permits for Temporary Employee Housing:

(1) At times of severe housing shortage, extremely remote locations or other emergency conditions, special use permits for temporary employee housing in the nature of manufactured homes [as defined under C.R.S. 42-1-102 (106) (b)] and/or recreational vehicles [as defined under C.R.S. 42-1-102 (61), with the addition that such truck, truck tractor, motor home or camper trailer is being used for temporary living quarters and not recreational purposes] may be granted for projects within Garfield County related to commercial, industrial, mineral extraction or highway operations of substantial size in any zone district by the County Commissioners through the special use permit process. Such housing shall be of a temporary nature. At the expiration of the permit, the lands shall be restored and all housing structures and associated infrastructure shall be removed. Review of the permit shall be subject to §9.03.05 and §5.03. All temporary housing is subject to all applicable building code, state and federal permit requirements, fire protection district requirements and fire code requirements.

(2) Special Use Permit for Temporary Housing: The applicant shall submit an adequate site plan, consistent with §9.01.01 and including proposed water supply, proposed method of sewage treatment and names and addresses of adjacent property owners.

(A) Water and wastewater systems proposed to service temporary housing must comply with all applicable state and local laws and regulations. In addition, all sewage must be disposed of on-site using an Individual Sewage Disposal System (ISDS) unless the applicant can prove:

1. That, at the discretion of the Garfield County Board of Health, an ISDS system is not feasible due to environmental, topographic or engineering conditions where the temporary housing is to be located; or

2. That, at the discretion of the Garfield County Board of Health, year-round access is available and maintained for safe and regular access for sewage hauling vehicles. In addition, the following conditions must be met:
   a. The applicant must demonstrate and guarantee an arrangement for hauling sewage; and
   b. Applicants must maintain all records including but not limited to trip logs/reports and landfill receipts; and
   c. All sewage disposal records must be maintained as public records to be available to the County and/or any other interested third party upon request; and
   d. The temporary housing must not exceed a cumulative of one (1) year at an approved location.

(B) For sites where potable water is hauled to and wastewater is hauled out, applicants must keep appropriate records, to be provided to the County upon request to demonstrate that water supplied to a site is from an approved source and that wastewater is disposed at an approved facility. For facilities serving twenty-four (24) people or less, the operator must conduct monthly tests (or quarterly if an on-site disinfection system is installed) and maintain records of stored potable water samples specific for coli form. Any tests indicating coli form contamination must be disclosed to the Garfield County Board of Health or designee. Water systems serving twenty-five (25) people or more must demonstrate conformance to state regulations by obtaining all necessary state permits prior to the scheduling of a Temporary Employee Housing Special Use Permit public hearing.

(C) In no case shall unsafe water be used for drinking nor shall raw sewage or used water be discharged on the ground surface.

(D) Temporary employee housing sites must be related to one or more mineral extraction locations and shall be limited to a spacing of at least one (1) mile between temporary housing sites, regardless of land ownership or operator. Temporary Employee Housing for oil and gas extraction purposes in the Resource Lands (RL) zoning district may be exempt from the one mile spacing if the operator can prove that the housing structures and all supporting infrastructure will be contained within the Colorado Oil and Gas Commission (COGCC) approved well pad and there will be no new additional land disturbance outside of the COGCC approved well pad area. If the applicant is applying for temporary employee housing on an approved COGCC well pad, the applicant must provide the relevant approved APD permit indicating housing location(s) along with the Special Use Permit application for Temporary Employee Housing.

(3) The maximum allowable time length of the special use permit is subject to one (1) year. For good cause shown, the permit may be renewed annually in a public meeting with notice by agenda only. Annual renewal review shall be based on the standards herein as well as all conditions of the permit. A permit may be revoked anytime through a public hearing called up by staff or the Board of County Commissioners. By way of example and not limitation, continued non-availability of a permanent housing inventory or the nature of the construction or extraction project may constitute "good cause" for renewal. The applicant must provide an

estimated total cumulative length of time the Temporary Employee Housing will be at the proposed location along with any intentions to request renewal past the one year expiration date as apart of the Special Use Permit application. Failure to provide intentions for renewal will prohibit the Temporary Employee Housing Special Use Permit application from future renewal consideration.

(4) Temporary housing shall be located at a site authorized by the Board of County Commissioners and identified on the relevant site plan submitted with the Special Use Permit. Inhabitants of the temporary housing shall be applicant's employees and/or subcontractors, working on the related construction or mineral extraction operation, and not dependents of employees, guests or other family members.

(5) Temporary employee housing sites shall be maintained in a clean, safe and sanitary condition, free of weeds and refuse. Any hazardous or noxious materials that must be stored on site for operational or security reasons must be managed in accordance with all applicable federal, state and local laws and regulations.

(A) Fire Protection; General Requirements: Provisions shall be made for giving alarm in case of fire. It shall be the responsibility of the duly authorized attendant or caretaker to inform all tenants about means for summoning fire apparatus, sheriff's office and resident employees. All fires are subject to §307 of the 2003 International Fire Code (IFC) including but not limited to permits, attendance, open fires, coal grills, fire bans and bon fires. One (1) or more approved extinguishers of a type suitable for flammable liquid or electrical fires (Class B and Class C), carbon dioxide or dry chemical, shall be located in an open station so that it will not be necessary to travel more than one hundred (100) feet to reach the nearest extinguisher. A water storage tank may be required if County and local fire protection officials deem it necessary.

(B) Bear-proof refuse containers must be provided for trash. At least one thirty (30) gallon (4 cubic feet) container shall be provided for each unit or the equivalent in a central trash collection facility. Said container(s) must be durable, washable, non-absorbent metal or plastic with tight-fitting lids.
Refuse shall be disposed of not less than once weekly.

(C) Outdoor food storage is prohibited unless facilities that prevent the attraction of animals to the temporary employee housing site are provided.

(D) The applicant shall provide a detailed map to the Garfield County Sheriff's Office which is sufficient for emergency response purposes, including location of the temporary housing site; private and public roadways accessing the site, marked as open, gated and/or locked; and detailed directions to the site from a major public right-of-way. The map is subject to approval by the Garfield County Sheriff's Office.

(6) If structures, requiring Building Permits under the Garfield County Building Code, are constructed for the commercial, industrial, highway project or mineral extraction operation related to the Temporary Employee Housing Site for which a Special Use Permit is issued, upon expiration or revocation of the permit Certificates of Occupancy for such structures shall be withheld until the temporary living quarters are removed and the site is restored to the satisfaction of the County Building and Planning Director.

(7) If a permit for temporary employee housing is granted, the applicant shall notify the county when site development begins. The applicant shall verify in writing, by site plan and through photo documentation that the site, water system, and sewage disposal system were designed, installed and inspected in accordance with the special use permit and comply with all applicable regulations, permits, and conditions. All written documentation and site plans verifying compliance must be stamped by a certified Colorado Engineer. The county also reserves the right to inspect a site, without notice, to assess compliance with the special use permit. A determination of noncompliance with any Temporary Housing Special Use Permit, or condition approval thereof, is grounds for revocation or suspension of said Permit, in accordance with Section §9.01.06."

(8) If there is suitable permanent housing inventory available in an area near the commercial, industrial, highway project or mineral extraction operation, as determined in the discretion of the BOCC, the Temporary Housing Site Special Use Permit shall not be granted.

(9) No animals shall be allowed at temporary housing sites.

(10) In evaluating a request for a Temporary Housing Special Use Permit, the County Commissioners may require compliance with additional provisions as may be needed to ensure the health, safety and welfare of the public. (A.81-263)

(11)The applicant shall submit as part of the Special Use Permit, a reclamation and revegetation plan for each specific site addressing all points in section eleven (11) for Temporary Employee Housing.

a. Debris and waste materials, including, but not limited to structures, concrete, footings, sewage disposal systems and related infrastructure, water storage and related distribution infrastructure, roads, and other sand, plastic, gravel, pipe and cable shall be removed. All pits, cellars, and other holes will be backfilled as soon as possible after all equipment is removed to conform to surrounding terrain. All access roads to the site and associated facilities shall be closed, graded and recontoured. Culverts and any other obstructions that were part of the access road(s) shall be removed. Upon closure of a camp facility, wastewater tanks shall be completely pumped out and either crushed in place, punctured and filled with inert material or removed. Any waste material pumped from a wastewater tank or waste debris from tank removal must be disposed of at an approved facility that is permitted by CDPHE and/or Garfield County to receive said wastes. Materials may not be burned or buried (other than ISDS) on the premises. All disturbed areas affected by temporary employee housing or subsequent operations shall be reclaimed as early and as nearly as practicable to their original condition and shall be maintained to control dust, weeds and minimize erosion. As to crop lands, if subsidence occurs in such areas additional topsoil shall be added to the depression and the land shall be re-leveled as close to its original contour as practicable. Reclamation shall occur no later than three (3) months after such operations unless the Director extends the time period because of conditions outside the control of the applicant.

b. All areas compacted by temporary employee housing and subsequent operations shall be cross-ripped. On crop land, such compaction alleviation operations shall be undertaken when the soil moisture at the time of ripping is below thirty-five percent (35%) of field capacity. Ripping shall be undertaken to a depth of eighteen (18) inches unless and to the extent bed rock is encountered at a shallower depth.

c. When a temporary employee housing site is removed, all disturbed areas will be restored and revegetated as soon as practicable. For disturbed areas not regulated by the Colorado Oil and Gas Conservation Commission, the following regulations will apply:
   (1) Revegetation of crop lands. All segregated soil horizons removed from crop lands shall be replaced to their original relative positions and contour, and shall be tilled adequately to re-establish a proper seedbed. The area shall be treated if necessary and practicable to prevent invasion of undesirable species and noxious weeds, and to control erosion. Any perennial forage crops that were present before disturbance shall be reestablished.
   (2) Revegetation of non-crop lands. All segregated soil horizons removed from non-crop lands shall be replaced to their original relative positions and contour as near as practicable to achieve erosion control and long-term stability, and shall be tilled adequately in order to establish a proper seedbed. The disturbed area then shall be reseeded in the first favorable season. Reseeding with species consistent with the adjacent plant community is encouraged. In the absence of an agreement between the applicant and the affected surface owner as to what seed mix should be used, the applicant shall consult with a representative of the local soil conservation district to determine the proper seed mix to use in revegetating the disturbed area.

d. During occupation and reclamation operations, all disturbed areas shall be kept free of Garfield County and State of Colorado List A and B noxious weeds.

e. Successful reclamation of the site and access road will be considered completed when:
   (1) On crop land, reclamation has been performed as per 11(c)(1) of this section, and observation by the Director over two growing seasons has indicated no significant unrestored subsidence.
   (2) On non-crop land, reclamation has been performed as per 11(c)(2) of this section, and the total cover of live perennial vegetation, excluding noxious weeds, provides sufficient soils erosion control as determined by the Director through a visual appraisal. The Director shall consider the total cover of live perennial vegetation of adjacent or nearby undisturbed land, not including overstory or tree canopy cover, having similar soils, slope and aspect of the reclaimed area.
   (3) A final reclamation inspection has been completed by the Director or designee, there are no outstanding compliance issues relating to Garfield County rules, regulations, orders or permit conditions, and the Director or designee has notified the applicant that final reclamation has been approved.

VIII. STAFF REQUESTED DIRECTION FROM THE BOCC

1. Staff recommends that the Board provide guidance to the Planning Department to eliminate what has become known as the Oxy Amendment. In consequence, the special use of a "Camper Park for the purpose of providing temporary quarters to employees and contractor of the energy extraction industries" would be eliminated from §3.10.01, §3.10.03 and §3.10.04 of the Garfield County Zoning Resolution of 1978, as amended.

2. Staff further recommends that the Board of County Commissioners direct staff to draft land use regulations concerning those temporary employee housing camps previously considered preempted by the COGCC. As nearly all well drill pads have at least "essential personnel" temporarily living on approved APD well pads, the requirement for these developments to submit under the proposed SUP (§5.02.21) requirements would be excessively burdensome to not only county staff but also the BOCC. Staff would like to pursue a route which will be more expeditious and appropriate for this kind of temporary development.

Jesse asked if the company putting one of these camps require GPS coordinates and an access map for designated roads for safety reasons.

David – this can be added in where they need to supply a map to the Garfield County Sheriff and if the Sheriff needs more GPS is necessary that could be added. Some grammerically issues and if the BOCC approves, they ask to go back and correct those.

Jesse – remote locations for helicopter emergency services require GPS.

David agreed to add that in. He added that the staff report was presented to you there were some grammatical issues that were never found and requested if the BOCC approves this to be permitted to go back and correct those.

Phil Vaughan and Michael Gardner of Williams Production. History on how we embarked on this issue. In July met with Mark Bean on which made the best sense to insert into the Code and began looking at the mobile home park, Carolyn, Don and Fred and came back to this particular section. In 1980 the man camp was permitted under this code. Staff recommendation, planning, legal, sheriff, Williams, P & Z, Steve Anthony and fire departments – two issues – planning and sanitation. Safe, sanitary during the operation of the temporary housing situation. This is down to a good common agreement on what makes sense. In particular within the Code is dealing with the sewer and water issues. The 25 person gallon water system is dealt with on a County requirement. In regards to the Building Permit issues – the modular housing has to be stamped by the Division of Housing and snow loads and the foundation, connection to the water and sewer and electrically utilities. RV's do not require any the of snow load requirements. December 4th hearing there will be an application before the Commissioners. Phil reviewed the other recommendations. The Sheriff's office and agreed with Jesse that GPS would need to be shown. After many months since July this is a responsible way to put into place the temporary housing and set standards. The question – should this deal with all zone district – this is part of the regulation they were working on – highway, oil shale – is it applicable today – up to the BOCC to decide. The needs to meet the needs of Garfield County as to limit this to RL zone district – resurfacing on Glenwood Canyon as an example. The SUP gives the BOCC the decision making authority. Regarding the size of the camps – a large camp would have to meet all these regulations.

Michael Gardner added – Phil is correct and going through the regulations with staff, coming up with something that is safe and sanitary and protective of the environment. We have requirements for secondary storage requirements.

Commissioner Houpt – limiting the location of these camps – concerned about having camps near their communities. When you are thinking about your purpose would part be lost if it only applied to Remote lands.

Phil – not contemplated this – taken the zone district text amendment on face value. Could they meet them – that's up to the company.

Commissioner Houpt – no situation to allow it throughout the County.

Carolyn – basic logic of drafting – these were drafted to apply to all industries other than just oil and gas.

Commissioner Houpt – when we started we were looking at the safety issue.

Carolyn – drafting regulations – remote or edit these as drafted as to whether it be oil and gas or all industries. Could address remoteness by addressing zone districts.

Chairman Martin – emergency fire camps that we have set up – is it exempted for just an emergency situation.

Carolyn – it is not contemplated here.

Chairman Martin – then we need to have it added where they would be allowed.

Carolyn – permanent housing would not be available.

Commisisoner McCown – need to commend the applicant and staff in getting it off center. We will see it on building projects – ie. Airport could require enough out of area employees to apply for housing. This relates to that as well as short-term on a well location. It's tough to find a one size fits all. How to apply it on the ground and there are some areas overlapping with COGCC and not enforcing vegetation – ie building one between sites. How we can apply this equally before the Board. IF we adopt this we will have to adopt this as an administrative review. We're going to have some type of administrative review built into this. All those on the sites are there illegally now. Do we require the same level of housing for temporary for the 3 people on site as we do for the crew of 24 drilling that well. We have a lot of people in non-compliance at present. Major construction projects need to be included, the housing is an issue.

Public Input – David Blair – Grand Valley Fire Protection District – visited with the fire chief in Rifle – neither one have staff or time to go around and inspect these sites. A 3rd person to inspect and becomes a self-regulation process when they are driving around . Need fire protection equipment build in and concerned about not getting appropriate maps to be notified. Locks and Gates – private land owner installation – bolt cutters and they call the Sheriff to cross a gate. Added carbon monoxide requirements on all units – most of these locations – all the diesel generated fumes – no problems with that. Water – most all of these have a clean water franc tank – fire hose adapter if accessible and in most cases it has.

Went up with EnCana and toured several camps – took photos – three types – double stacked, single and the one on site - the three that are there 14 days in a row were listed. He recommended a 3rd party and a copy to the fire

department and the BOCC. From the housing proposed, the trailers that EnCana is of substantial quality and most of these houses are not locked up – pulled on a low boy situation. Once the ground is impacted, no shifting. The other part is that all oil and gas companies is that we all have a need to respond but sometimes that is not possible. In winter they will use special equipment to reach a site. Fire concerns – some may burn and health and safety may not be able to respond. Some are going to use EMT as primary responses. As long as the company knows this up front but we really don't have Chief Morgan nor him, objections – 2.5 hours to get to the man camp for OXY. It could mean a grocery truck, a water truck and a sewage truck versus the employees.

Paul Light – not sure whether the recommendation cover all of these – zones in remote areas and if you go down the valley – a camp at every well site – couldn't have – some are only a mile away – so you have to have more housing to meet the restrictions as he hears this. Battlement Mesa – Williams has a lot of wells in the area. The citizens down there would not appreciate that very much. Size and density is not addressed. Small camps of 25 or so – ought to be written in. Density – the housing being discussed sounds good but a compilation of modular housing – finish – observation – Williams may not have a problem to make the case – Parachute does not have the housing to meet the needs.

Commissioner Houpt – the larger camps are what he is referring to.

Brenda Linden Hernandon – EnCana – essential personnel – EnCana and Williams – in light of the email from Carol Harman – would like the BOCC to address the temporary housing – drafted up a set of regulations, wanted to see what the outcome was of this meeting and want to send it out to the rest of the companies and submit something to the staff in December. Asked that please direct staff to consider the essential personnel from temporary housing, to direct staff to draft regulations for an administrative approval for essential personnel housing and also to encourage you to approve the text amendment for temporary housing.

Jim Sears – Sheriff's Department – a lot of the same concerns as David Blair on safety concerns – a camp does provide safety but on the opposite side – our response time is greatly increased. We've always requested detailed maps on this application and sufficient signage at every place the road turns or a road that comes off and GPS coordinates. From the Sheriff's perspective we do have a concern to respond but others need to realize they cannot get up there – if someone is hurt due to a fight or whatever it is a concern. No alcohol, no dogs, no fighting – the response is the concern.

Commissioner McCown – echo's the concern – too much emphasis – full staff at any given time 24/7 and the only concern more relates to those off duty, sleeping. The working staff and the possibility of an injury is the concern.

Jim – people working and people off-duty – investigated shootings where people were working next to each other – falls off a rig – still have to get up there – a wildland fire – everyone needs to know the response time will be quite long – not all camps – condition of the road, the weather – for a deputy to get to some of these – add hours.

Commissioner McCown – no housing close.

Jim – maps clearly denoted and detailed.

Commissioner McCown – need to be there whether this zone text amendment passes or not.

Deanne Walker – new to this area – heard the issue of safety – our company focuses on safety – very important to use on the remote areas. It is a huge issue to the industry. Also, Conoco Phillips – wholehearted support the amendment and consider the emergency personnel issue separately as well to eliminate the bogging down of the Planning and Zoning as well.

Brenda Lindon Hernandon – EnCana – visual concerns – the camps are four additional trailers during the drilling sites – not that much difference on the drilling sites. Address the traffic on county roads – we've determined that these camps will present 40 vehicle trips per day – and if you look at all the camps, a significant reduction – and reduces vehicle collisions. Supervision – a lot of the camps – allow 24 hour supervision of the personnel. Letting us have these camps – keeps personnel completely supervised and keeps them isolated. Grocery trucks spent $45,000 in October. Also, the personnel doesn't have to worry about anything except work.

Chairman Martin – letter Exhibit I – asked if she had access to the Exhibit

Paul Light – clarification – 4 trailers to house the personnel.

Brenda – we have two shifts of 10 people so that would be 20 employees – this is where she came up with 40 vehicle trips.

Paul – density of housing – how many housed in the trailers.

Brenda – 10 people working and 10 people sleeping – a kitchen, laundry, office, beds, showers, bathrooms and essentially be no more of a disturbance than what it there already.

Jesse – clarification – not talking about that on every pad.

Brenda – not on every pad. For example – Battlement Mesa – all have housing in the area.

Chris Freeman – Berry Petroleum – agrees with what is being proposed. Section 2A – all facilities dispose of sewage – exploratory wells – only 3 months – inspection and installation of an ISDS – could be some language – over 6 months or one year, an ISDS must be required. In Section 2D – spacing – one mile spacing rule – staff report before the actual amendment – COGCC approved well pads – all temporary housing would be on approved COGCC approved well pads and requested it be exempted. 10 – 20 people only – 2 –4 camps in remote – in RL zones. Section 11 – reclamation – a lot of language – cross ripping and revegetation – active well pads – continue on the life of the well and revegetate within 3 months.

Chairman Martin - this is on areas not on a regular pad.

Chris – Section 3 – one year – condition that you express to move it within one year and predict how long will be on one site – exploration wells but others would stay longer. Having to face a denial after one year is not flexible.

Commissioner Houpt – an ISDS or not. Gives our staff to better access what type of facilities would be better for that camp.

Chris – working with the county for a year now and appreciates prompt approval.

Phil – the recommendation set forth by staff is appropriate – tried to take care of this last July. Essential personnel and asked to take the staff recommendation and keep this separate. Have a winter drilling proposal to be heard December 4, 2006.

Staff – David – one comment – Chris Freeman – comment on the expiration of one year. It is possible to add language that they need to estimate how long for the ISDS but some flexibility. The ISDS states they can't renew if they don't.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing;
In favor: Houpt – aye McCown – aye Martin - aye
Commissioner Houpt – appreciates the work – very comprehensive – see some potential problems if we don't restrict the zones and don't disagree we may need it in a more residential area – codes are living documents and opportunity to adjust if the need arises. Can support as long as it is in remote areas to meet the housing concerns. Needs to see that as an amendment for specifically RL.
A motion was made by Commissioner Houpt to approve the 5-17- proposed text amendments to Section 5 with the change that the amendment would only apply to Resource Lands to address housing needs in remote locations. Commissioner McCown seconded for discussion.
Commissioner McCown – can't support the RL only – all the RL are on the north side of the river and by limiting it to RL we are putting this in a specific area of the counties and we have this as Uncle Bob – and other area. We were moving forward on this for safety – head of Divide Creek – not doing anything by limiting it. By saying RL – Parachute and Divide Creek.
Commissioner Houpt – meeting the need to allow for housing not close to any community and have to think there is going to be this supply and demand issue – the free market will begin to take care of this - man camps – energy development, may not be the housing available.
Commissioner McCown – the amendment says the needs has to be proven.
Commissioner Houpt – opens it up – we have industrial activity going on in areas that people never anticipated it happening in. Open a camp in a rural residential area.
Chairman Martin – understands that issue – was only concentrating – these regulations and the review gives the BOCC to regulate and it was an eye-opener – can say yea or nay. Much rather review the legal ramifications instead of the illegal.
Commissioner Houpt – narrow this to RL – a lot of illegal issues.
Chairman Martin – regulation makes more people illegal.
The motion is to approve and limit it to Resource Lands.
In favor: Houpt – aye Opposed: McCown – aye Martin - aye
Commissioner McCown – motion identical to Tresi but that it would apply to all zone districts, and a SUP required.
Chairman Martin seconded.
Commissioner Houpt – can't support.
Chairman Martin supports – it is not a use by right and must have a public hearing and a SUP. Bring the ones illegal into compliance. We do have a concern, wants safety to be addressed and must address these issues.
In favor: Martin – aye McCown – aye Opposed – Houpt – aye

Regulation for Essential Personnel on Well Pads
Commissioner Houpt made a motion to direct staff to work on a regulation for essential personnel at well pads.
Commissioner McCown – seconded.
Chairman Martin there is a motion and a big concern that we do handle that issue and bring it back to make sure that those folks are addressed in one way of the other.
Discussion:
Carolyn – any further direction, do you envision this to be an administrative process.
Commissioner Houpt – actually would make this administrative but a pretty rigorous one so that it's not just a matter of filling out a form; we need to look at maximum at what's put in place with this regulation that was just passed and what the concerns were and putting that together, we have to look at the maximum number of people who will be, a definition for essential, and all of the other Environmental concerns with people moving in.
Chairman Martin which we also need to make sure we have discussion with the industry as well as the state as well as the health department as well as everyone else involved in this so that regulation and definition coming from staff will have anywhere from 4 – 6 in personnel to identify those and their job descriptions.
Jesse – how would this address the time from now which we have non-compliance until such administrative process is in place.
Commissioner Houpt – let people know they are out of compliance.
Chairman Martin – they are out of compliance according to the state and to our land use regulations but we are trying to catch up to that particular issue and addressing it and again our enforcement is an issue and we recognize that and want you to understand and work with us that this has to be addressed.
Commissioner McCown – now we can't require someone to comply with a regulation we haven't decided what it is yet.
Jesse –could there be a temporary period of time between now and the time the BOCC can adopt that administrative rule that some interim step for instance up to 4 positions would be allowed on a pad for essential personnel and noting the historical renewing of what the State had in place that they no longer regulate.
Commissioner Houpt – also bearing in mind the essential issues brought up for the larger camps as well.
Carolyn – not sure staff understands, so for clarification on the regulations just adopted, do put a lot of people in zoning code violations so am I hearing that you do not want the zoning code enforcement officer to send out violation letters.
Commissioner Houpt – they are all in violation at this point and regardless of what we would have adopted today, everyone is on notice and in violation if you have essential personnel living on a well pad and we are working and would like staff to work on helping us remedy that and agrees with Jesse that we need to have some reasonable standard while we're going through this and talked about a cap of 4 positions per pad in the interim with a very respectful approach to living within the neighborhood that you're in and bearing in mind the concerns that were discussed today with respect to the regulation for larger man camps.
Carolyn – it sounds like you're creating a regulatory safe harbor.
Chairman Martin – yes.
Carolyn – your staff would be a lot more comfortable is you'd do this by motion.

Commissioner Houpt - added this to her motion. The Motion was to direct staff to write the regulation and in the interim to have standards of up to 4 people on a well pad with the ideas of the concerns on how you live on a site and what type of respect you have to have for the neighborhood so the expectation is that regardless of where you are you'll have a high standard on how you live on the land with your neighbors and you have a cap of 4 personnel living on that pad 24 hours a day until we can get the regulations back before the BOCC and have a clear understand for you of what it is going to look like in the long haul.
Carolyn – no more than 4 people – do not sent Ron Van Meter out.
Chairman Maritn – historical designation of the state with the essential personnel identified by them however somewhat removed from the Attorney General's statement that they no longer do that or never did and they put that back on the County. We'll recognize that standard and hopefully everyone will live up to that and we'll have our regulations in place.
Commissioner Houpt – the other option would be to send either letters out or Ron out and that would bring everyone to a screeching halt. So now that this is public and everyone knows that we have this compliance problem because of how the state is defining their role, everyone will be watching so just be good neighbors and you should be okay.
Commissioner McCown – amended his second to include the verbiage about the non-enforcement.
In favor: Houpt - aye McCown – aye Martin - aye

Additional discussion:
David stated that in the Staff report, handling the Oxy Amendment and whether you would like to guide staff to essentially eliminate the Oxy Amendment so that is not an option for complicity of our regulation. It is spelled out here in recommendation No. 2.
Commissioner McCown – is there anything that Oxy has done to date that they would have to re-do if we deleted that amendment.
David stated they would be grandfathered in.
Commissioner Houpt inquired if there was anything that we would lose if we delete that?
David – no.
Fred – this is a lot better.
Commissioner McCown made a motion to repeal the OXY amendment and replaced it with this one.
Commissioner Houpt - seconded.
In favor: Houpt - aye McCown – aye Martin - aye

ADD SECURITY for REVEGETATION and RESTORATION at the SITE
David stated we do have standard language that this brings it to you and makes it discretionary 5.0.3.07 and whether you would like us to add that one in. On those areas that are not on well pads.
Commissioner Houpt so moved; McCown –seconded.
In favor: Houpt - aye McCown – aye Martin - aye

PUBLIC HEARINGS:
CONTINUATION OF PUBLIC COMMENT ON THE 2007 PROPOSED BUDGET PRIOR TO CONSIDERATION FOR ADOPTION
No public comments were received. Ed said this was presented to the Commissioners on October 13th by Jesse, Patsy and me – it's a $97 million in revenues and $93 million in expenses, up about $30 million from last year but fully 2/3rds of that $30 million dollars relates specifically to Road and Bridge projects – one very big one CR 204 is $14 million alone and we have 11 other projects that take that total from $14 to $20 million. There's the Joint Police and Court Facility which will add about $3.2 million dollars, Child Advocacy Center which adds about $300,000 in 2007, the Community Correction's Facility which will be completed and adds about $600,000 in 2007. $400,000 in facility and equipment for Fairgrounds and general facility improvements, the LoVa Trail which adds about $450,000 and then we have maintenance and material handling facility at the Landfill plus the compactor and that adds about $850,000 in total. There are IT projects throughout the organization that add about $1 million to the total. We have 25 new positions, 2/3rd of which are in the Sheriff's office and Human Services and that adds about $1.4 million to the package. Then we have the 4+1% increase, performance plus equity adjustments, about $860,000. Our health care benefits going up $600,000 next year, RFTA $250,000 addition there, we are directing an additional $150,000 to Human Service Organizations over last year and all that totals up to about $30 million.
Chairman Martin – add another one for a request for the County Attorney's office to look at as well, professional services, etc.
Ed – one thing not included was the addition of less than $1 million as a result of deliberations with the Sheriff, $750,000 of that was for the improvements to where Community Corrections is right now so they can make that available.
Chairman Martin wasn't sure we could do that.
Ed said this cuts the delta between the $97 in Revenues and makes it $94 in expenses. The projected end of year's fund balance around $41 million, almost 40% of the total expenditures. As part of our budget presentation we cited Best in Class Metrics and we over achieve on that. We're in good shape.

WORK SESSION REVIEW OF VARIOUS 2007 PROPOSED BUDGET ISSUES WITH DEPARTMENT HEADS
Discussion was held with respect to the budget for the departments.
Road and Bridge
The two buildings proposed at $300,000 each; the 3 dump trucks – emissions, diesel fuel prices and storage of fuel; asphalt, chip seal roads were clarified and Four Mile Road for the 5-year plan - Four Mile – 2009 – 2010 and 2011. Jenkins Cut-Off and Roan Creek – asking for additional funds going from gravel/chip seal to asphalt. Increase from Chevron – $11M to $12.5M.
Weed Management
Steve Anthony – Tamarisk - $95,000 grant and budgeted $95,000 outgoing as a grant – adding $10,000 onto that. Expense numbers to $105,000 – the match requirement.

Human Services
Lynn – looking at the restructure where needed. County Administration – other Restructing to accommodate the services more cost efficient and better. Holding some personnel requests and keeping in abeyance to work out the restructure. Take the people and need time to train them rather than just adding personnel. Be sure they are providing the services needed. Hold in contingency – preference with the BOCC. $12,333,000 for human services – 40% benefit the citizens with programs for direct services.
Public Health
Work space – Mary has an open area she doesn't use – Tobacco specialist. Jim Rada's person working in the environment and oil and gas and add 6 more pods until we add another administrative facility.
Ed – add an administrative facility or a wing.
Commissioner McCown – go south on the existing building – over to the race track.
Ed stated that the City wants us to move out of the Rifle Building; Commissioner Houpt – that's another discussion.
Commissioner McCown – The Rifle Building is a valuable asset – great location- people can walk to the Henry Building.
Human Services have a total of 8 cubicles with additional staff for HR.
Lynn will talk with administrative staff and keep additional staff in contingency until a decision is made.

Library – may change in reference to the Mill levy but will not be collected until 2008 – funds $2,958,000 is estimated revenue should stand. And $2,895,000 in expenses.
Don – counsel for the library and Don are developing an IGA that by statute you're required to execute prior to the 1st of the year that will delineate the rules of the County and the Library District and also specify any funding requests or considerations that the Library and the Board reach. It does have to address such things as benefits and county services and other issues.
The purpose of the IGA is to specify these things such as the way the employees are concerned and by way of example if you use the County finance they may need to compensate for that.
Commissioner McCown – the mill levy passing and them becoming more independent of the county, they need to develop their own personnel plan and get out of ours because they only have the cafeteria styled ours and only applied what they wanted and applied them when it came time to give raises, so they need to get out from under the County.
Pasty – one of the things we have asked the Library to remember, if the decision is effective 1-1-07 the Library will no longer utilize the County Finance and Human Resources Departments, except in the finance department world we still have to continue to do work for them into next year because we have to send out their W-2's, there are expenses incurred in 2006 that aren't going to be paid until January, so there is some time there for us to continue to provide them with support in order to close out 2006.
Fairboard
Jesse reviewed the budget and said when we put it together was before the Fair was held and the Fairboard has review and feels like the total amount is satisfactory however tomorrow night they may reallocate between some of the line items based on what our actual expenditures were because we were guessing before the Fair but the bottom line will not change. The receipts are available; they just got the last checks in.
Ed said the Board wants to make sure there is a six figure fund balance in the fair fund. May need to transfer funds to the livestock fund to have it at six figures.

Conservation Trust fund – lottery funds
Airport – projects – snow plow – larger one - $35,000. Old International gave out last year. Have a 3 hour window to clean the runway. 3 people out there. Each year Denver has an equipment sale and will replace the old snowplow. Still running it – smoking very badly.
Projected end of year strong balance.
Grooving passes the engineering inspection – it will be done in 2006. If it's over $70,000 a reconsideration and could roll over into the budget for 2007.

Retirement – 6% for folks over 10 years.

Oil and Gas Litigation – plug in money – under general fund with an earmark – not a separate fund – limitations on sources of revenue and expenditures. Need direction.
Oil and Gas Mitigation Fund – earmark some to take care of the future. Allow a cushion – set for discussion and direction next week at 10:15 a.m.

Court upgrades and ***Assessor's office upgrades***

Parking lot security upgrade in Facilities management. Capital projects - $40,000.
Commissioner Houpt against expending public money to lock the public out regarding the employee parking lot; looks bad – often no parking available – MOC lot is not full. Not as convenient but they can walk anyway.
Dale – my personal preference – not reserved and totally available to the public.
Open to the evening for the public.
Dale – leave the 8 slots for the elected as designated.
Commissioner McCown – we deserve to keep the employee parking – 133 vehicles for 64 slots. Lot full at 7:20 p.m.
Commissioner Houpt – doesn't agree with a gate up.
Ed – has helped to issue a new sticker every year.
Take it out - $40,000 but keep it reserved.
Fairground – new animal pens – Marquee is needed – sales pavilion - $80,000 applied to the parking surface to keep some continuous driving surface and could utilize the parking with stripping. Chip seal on the back lot. Nearest sale facility is in Montrose. Not in the sale barn business. Commissioner McCown not ready for the sale barn but put on the parking lot.

$200,000 has already been spent. Jesse will check. Electrical all the way on Railroad Avenue – for hook-ups for RV's. Site improvement - $80,000. $200,000 for electrical and may have left-over.
Solid Waste – Commissioner McCown – heart aches with this. Creating a security problem for inmates – will need direct supervision – put up a building without any sides – enclosed – supervision required.
Page 116 - metal building without sides. Visual supervision at all times but not direct supervision. Ed asked to look at this – an alternative for curtains when appropriate.
Commissioner McCown – no. Leave the building in but adjust with no sides.
Motor Pool - $130,000 replacement – 10 new vehicles – 7 for Sheriff – 1 for IT, and R & B – Airport – hybrids – worth a try.

Adding 25 people this year.
Don – need for additional personnel during the course of the year. If he has to do it, space issues – running out of space.
Facing the need to house more administrative personnel in Rifle. When probation moves – office space available.
County Attorney
Don – budget – copy of submittal – professional non-education add $150,000 and the reason is for outside legal counsel – based on recent submittals – substantially increase the amount – add $75,000 – explained in Executive Session. Included expert fees – same litigation – add $75,000 – total of $150,000 to the $75,000. Up to $260,000.

BOCC budget – Don made the point - reserving fees that may be expended – litigation into the future – start accumulate to pay for litigation – reserve those in the Bocc budget.
Pasty – enough funds in the future – one would be general fund balance is healthy – keep a mental note of that – or designate x amount of the fund balance to be expedited – a balance sheet – giving Patsy to create a designated amount of the fund balance - $100,000 then $200,000 to make sure the general fund is able to pay that should it come up.
Don is fine with this approach – need to make sure the Board is aware for future years and a method for payment.
Commissioner McCown – could utilize this for the expense fund – challenge rulings – don't lock in for a specific use. Reserve it by Resolution and it would be very clear.
Ed – reduces it to the need.
Don – almost nothing that can be undone by future Boards.

Commissioner Travel Line Items
Commissioner Houpt once again pressed for the same amount of travel money that John has and presented her reasons of going to State and National boards – John gets twice as much as she does. Planning workshops – not able to attend – turned down a role in NACO. Not enough in budget and asked for the $10,000 an additional $5,000 to what she had last year.
Chairman Martin - $7,000 Pilt funds – allowed to do so for many trips for CCI. Reimbursed for travel and reimbursed and will find he has returned – a matter of prespective – public lands –
Tresi - $7,000 goes into the Pilt funds – and checking with CCI – benefiting from it – work she does is worthwhile – talk about spending $100,000 – squabble over $5,000. Meeting and training opportunities to better represent citizens of Garfield County and not unreasonable –
Chairman Martin – same argument on CCI – Pilt has a funding source – trust fund – would like to have the same funding and how to find a source of funds – Martin pays out of the pocket
Commissioner McCown stated to just give each Commissioner each $5,000 more and be done with it.

Issue – not included – next week – housing issue for Glenwood Springs.
Assisting Municipalities with Road Issues
Commissioner Houpt - fund to help communities for road issues that are above the sales tax –
Commissioner Martin – a lot of sales tax goes to municipalities – being hit and are asking for help.
Seed money set aside for projects – better opportunity for a broad based match and $500,000 and $1 million for municipalities.
Chairman Martin – if we take from general funds – will definitely hurt our general fund.
Ed – will affect the general budget.
Commissioner McCown – not a single municipality for seed money – we have not been able to afford to build their projects or all the seed money. We did give Rifle $160,000 and $100,000 for Whitewater Avenue.
Glenwood – have given over $10,000,000.
CDOT – Chairman Martin has a meeting tomorrow – County has to speak loud and clear to work with all municipalities – tomorrow he will be provided some direction – bond issue $160,000 for indebtedness. HUTF – goes away - $2.74 million backfilled out of general fund.

Patsy said she would have a better idea of the fund balance for 2006 and projected for 2007 by the November 20, 2006 meeting.

The Board preferred to discuss the Salary Survey after they see the document.

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:

Don stated the Board had some discussion regarding the Gallagher Bylary report and if the Board decided that this document should be considered a deliberative document and should be held in confidence and not for public discussion the a motion would be needed so stating.
Commissioner McCown so moved; Commissioner Houpt seconded. In favor: Houpt – aye; Martin – aye; McCown – aye.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

NOVEMBER 20, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 20, 2006 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

- C***onsideration to accept Judy Martin as Public Safety Representative for the Human Services Commission***

  A letter was submitted by Judy Martin, office of the District Attorney with respect to the appointment to the Human Services Commission.
  A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Judy Martin to the Human Services Commission as the Public Safety Representative.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Appointment to Community Correction Board – Guy Meyer***

A letter was submitted by Deborah Buckholder with respect to an appointment to serve on the Community Correction Board.
A letter was submitted by Don Gillespie with respect to serving on the Community Corrections Board.
The openings are for the vacancy created by Tom Beard and Kris Stensin.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to appoint Deborah Buckholder and Don Gillespie to the Community Correction Board.
In favor: Houpt – aye McCown – aye Martin - aye

- ***Out of State Travel - Jesse Smith***

Ed submitted the 2005 out of state travel request and authorization for Jesse Smith to attend the IREA convention in Los Vegas for the amount not to exceed $1070 for the Fair.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the out of state travel for Jesse
In favor: Houpt – aye McCown – aye Martin - aye

COUNTY ATTORNEY UPDATE – DON DEFORD
Executive Session: Litigation Update; Legal Advice

- ***Discussion and Action regarding RE-2 Annexation into the Town of Silt***

Barbara Clifton of Stuver, Lemoine & Clifton submitted a letter and enclosure showing the 20.71 acres of property located on the northwest corner of 3rd Street and Grand Avenue in Silt for the Silt Elementary School Annexation.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to waive the impact report as requested by RE-2.
In favor: Houpt – aye McCown – aye Martin - aye

- ***Discussion and Direction – Oil and Gas Mitigation Fund***

  Patsy and Don presented.

Draft Resolution was submitted and no direction was received from the Board.
Commissioner Houpt – questions about what the authorized payments and changing in wording.
Don asked the Board to go through the Resolution.
Chairman Martin – the whole idea is a savings account to take care of the future. Not to relive the boom and bust era. If we put a million or two in the fund every year then it will help to offset the oil and gas income.
Commisisoner Houpt – was looking at if as a mitigation fund and on-going costs to mitigate the cost of the impacts as we continue to grow and as the industry continues to grow. Two concerns: environmental concerns and the other is trying to address the budget we have in place at the time and not creating a budget that isn't maintainable into the future. We look at that with capital structures and build departments and those needs are as critical as the funds go away. This is not a fix and asked about a limitation on these funds.
Chairman Martin – if you put it in the general fund you could move it from place to place. He favors to put money aside and if there is an issue based on production or lack of production then we could transfer it. It's a savings account and the Resolution didn't address it properly. The definitions in the Resolution were not what we wanted. A defined area and based on the decline of the oil and gas – live within our budget today and put money aside.
Don – hearing that they don't want to move forward with establishing a fund today for the budget process.

Chairman Martin – establish the fund, a contingency fund.
Commissioner Houpt – establish a separate fund.
Commissioner McCown – opinion, up to this 3 person Commissioner board and it can be changed. If you put it in the general fund we will allocate the spending, doesn't matter, if there is a majority vote, the money will be spent that way. It's a savings for a rainy day.
Patsy – this year we want to put a set fund aside. How detailed does this need to be and should be specific and need to know how to use these funds.
The Board will decide how these funds would be spent.
Don – the statutory language isn't precise, but in order to establish a fund under state law, you first declare that you wish to have a fund, state the purposes of the fund, then define the source of revenue, and expenditures because it has to be a self-balancing fund in order to meet state law. The Resoltuion can be changed by any board and it is a question of what is politically acceptable at the time that that issue is raised. What I'm hearing today is from all three of you, saying that you want to put this money aside and not spend it right now; however much that is, you determine that's what you want to do and rather than look at authorized payments, just you could use this fund for today's on-going expenses and not hearing any of the board members saying that's what they want to use this fund for. So maybe what we should be looking for is these types of activities but with the restriction that it can only be used for these activities with the BOCC determining that on-going revenues are not adequate to make payments for these purposes, that's would be the rainy day when the revenue sources are not adequate.
Commissioner McCown and Chairman Martin agreed with this intent.
Commissioner Houpt – would take out words like support and put mitigate because we're not creating programs for one industry, we mitigating impacts as the County grows and developes.
Commissioner Martin – when the revenue can't support what we have in place, it's not to create new things but to take care of existing things. This is to take care of what is necessary and is already in place.
Commissioner Houpt – we don't know that, we may have to create a new program for mitigation purposes.
Chairman Martin – well at that point we need to look at our budget and how we prioritize – that's what the idea was, this is not to create new programs with this fund.
Don – look in Paragraph 4 – all payments from the oil and gas mitigation fund shall be made for the sole purpose of mitigating the adverse property, social, environmental impacts of the oil and gas related activities when the revenue sources from tax sources or other sources is not adequate to accomplish such mitigation and leave a – d.
Commissioner Houpt would cross out a-d.
Don said he would leave them because it puts more discipline into the board having to focus on these types of issues, but it's up to this board to say that and at any time you can add, retract, from these issues so its really not important.
Commissioner McCown concurs with Don.
Chairman Martin – reword and keep certain things in.
Commissioner Houpt – I would if we took support out of those sentences because it sounds as if we're creating infrastruce for one industry and I believe in this funds but not the way the wording reads –it sends the wrong message and easy to take support out and put mitigate in.
A motion by Commisisoner Houpt to approve this with the changes Don proposed and change the word from support to mitigate in b and c.
Commissioner McCown – second.
Patsy – the proposed name of the fund is oil and gas mitigation fund. Would it just be mitigation fund, what if there were other impacts that were not related to oil and gas?
Chairman Martin – my point, it's not really a mitigation fund its to be able to easy the decline in revenue and that's what its for, the revenue and the programs and things that are essential are going to be supplemented by this in a slow process not all at once but as we do a percentage decline, we do the same in our programs, that's the way government works. It has to work that way, otherwise you're in the red and this fund is to go ahead and ease that lowering of revenue. That's my original thought and why I proposed it.
Commissioner McCown – it clearly states the purpose of this fund, right now we have a very strong funding source provided by oil and gas and we have one member of this board that hates to use the word support in relation with that industry but it's a very important industry in the County and I think that fund is solely for this – when that industry starts to decline, there has to be something to backfill it because roof tops will not – that's a proven fact. So it needs to be called what it is and that's an oil and gas mitigation fund.
Pasty – question – would it be more appropriate to call it energy development mitigation fund – would a broader term cover more.
Chairman Martin – then you are going to get into the semantics of energy development and who gets to define that etc. no matter what you put out there it's going to be a debate on definition.
Commissioner McCown – no matter what we call it, we know what we're going to use it for. Some future board will use it.
Don said it is easy to change – amend the resolution.
In favor: Houpt – aye; Martin – aye; McCown – aye.
How much:
Pasty said the proposed budget was $2 million for 2007 and that's all property tax.
Commissioner McCown – given the nature of this fund, I would like to see that it be funded by severance and federal mineral leasing; I don't like to see us put property tax that's coming from every resident and the industry because that is an unknown amount every year anyway. We budget significantly conservatively much more so than we get in and those two funds could be used to fund this oil and gas mitigation fund.
Patsy – we have budgeted conservatively in that fund - $750,000 and my thought was that for 2007 there was some consideration of let's go ahead and seed it for this first year at $2 million out of property taxes and then each year look at what the leasing and severance tax was. Commissioner McCown – whatever – good old government budget taking it out of one pocket and into the other – the severance tax and the mineral leasing will backfill the property tax. I don't want people having the concept that you're taking property tax money and putting it into this fund and that you're spending the oil and gas money.

Commissioner McCown – but what would happen if we thought, let's budget $500,000 for severance tax and we only put $500,000 in this fund and $2.7 million come in, can we put all $2.7 million in this fund? Absolutely, so you budget accordingly and whatever comes in you put in this fund.
Commissioner Houpt – it makes sense to me to use that tax.
The consensus was to change and put whatever is in the budget under these funds.
Pasty said the mineral leasing and severance tax are budgeted as revenue in the general fund and then we've got a percentage of the mill levy that comes to $2 million dollars for this new fund, so am I hearing let's just go ahead and just take that property tax and put it into the general fund and whatever you've got budgeted and it is conservative in 2007 take it out of the general fund and go ahead and budget it in this new fund.
Commissioner Mccown – and then in August, no later than, whatever we get, we would do a budget amendment and put that into the fund – we feel fairly sure it's going to be more than $500,000.
Chairman Martin – it does need to be that defined revenue source.
Pasty – would the Resolution strictly say mineral leasing and severance or include property tax and grants.
Commissioner Mccown – leave it alone.
Don – every budget year you can change it.
In favor: Houpt – aye Martin – aye McCown - aye

Executive Session - Contract direction – agreement for Affordable housing – personnel item – ruling on open meetings act and litigation with Town of Silt – contracts for Don and Ed

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:

COMMISSIONER REPORT

Commissioner Houpt – CCI conference next week.
Commissioner McCown – Tuesday – Carbondale 5:00 p.m. – Marian will attend in Mildred's absence and need to have someone from the Building and Planning – David Pesnichak.
Chairman Martin – Tuesday last week, CDOT – transportation priorities. Met with the Rural Resort on Pine Beetle and take a step in minimizing the fire danger. Suggested to use the bio mass as a fuel source in cooperation regionally. Listen – Government grants are available. Goodbye – Vi Lake Memorial on Saturday.
Jesse – accident on Saturday – Una Bridge – didn't make the right hand turn and hit the bridge abutment. Halliburton truck – fuel dumped in the river. Notified 911 and asked them to notify DeBeque and Grand Junction and notified Jim Sears. Closed the Una Bridge to concentrate the clean-up. DOW was also notified and there was a crack in the bridge abutment but did not affect the integrity of the bridge – ripped the fuel tank off the vehicle. Speed was a factor. Halliburton took responsibility immediately.
Ken Call – letter with questions in reference to the budget hearing on Capital Improvement.
Valley View Hospital received two national awards. Architectural design and how if serves the public.
Another request – holiday celebration - $500.00 to bring the celebration to Downtown Glenwood and asked if we could contribute. One day program for the kids on 12-14-2006 from 4 – 8 p.m. - Grand Holiday Celebration.
So moved by Commissioner McCown and seconded by Commissioner Houpt.
In favor: Houpt – aye McCown – aye Martin - aye

Mildred – Election

Canvas of voters will hopefully finish up today.
Congratulations were given to Mildred, staff and judges by Commissioner Houpt.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Request for payment to RFTA for Mitigation Fees collected as of October 31, 2006 in the amount of $11,250.00
f. Liquor license renewal for Sunlight, Inc. – Sunlight Mountain Resort, City Market #28 Battlement Mesa, and White Buffalo West, LLC. – Mildred Alsdorf

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – f absent items b & c; carried.

REGULAR AGENDA

HUMAN SERVICES COMMISSION: EDUCATION SERVICES – JENNY LINDSAY

Jenny Lindsay for the Roaring Fork Family Resource Center and the program director in Glenwood Springs and an arm of the Roaring Fork School District.
Judy Hoppenstal from Re-1; Dr. McKee from District 16; Pam from CMC.
Judy reported on the After School Program and submitted some brochures including statistics for an overview. Most significant number is in the prior school year, 56% of our kids were Anglos and 42% Latino and this year its 53% Anglo and 45% Latino and this clearly indicates the change in demographics. With that change comes many challenges for the school district. She provided the education connections to show the services to kids and families. She has been meeting with the focus groups and turning that into a questionnaire and see where the missing pieces are and may need to add some things. The after school programming piece and had a federal grant of $1.3 million for 3 years, but we've managed to maintain in each of the three communities at the elementary level until 5:30 p.m. until the parents are available to pick up the kids. The Family Resource Centers in one of the best connections for kids in needs that Jenny represents. This is something the district started with the idea of trying to remove the barriers to kids for student achievement. There is one in each community and $.5 million budget. This makes connections with providers is one of many things they do. Working on the Truancy process with the District Attorney, a judge will actually deal with the kids who don't come to school. Offer tutoring in the schools and also

after school tutoring. 78% graduate as an average. Big focus is in construction projects. The current issues common with the community is work force shortage, mostly all support positions. School safety has been on the minds of all persons and fortunate to involve law enforcement in the schools. Focus on affordable housing as is for all the county.
Jesse recognized Charles Salman, outstanding Rhodes Scholar – and he attended school K-12 here in Glenwood Springs.
Pam – new campus CMC – opened lots of opportunities and new programs. Move into the facility next fall – 2007. Process technology having to do with plant operations. Occupational safety and health – Oil and Gas, Waste Management. Paralegal program is a 3rd program. Other programs for Garfield County, Natural Resources management, two-year engineering program as well. Early Childhood and Criminal Justice are two other fields. Field archeological survey and occupational therapy are two others – affordable housing is a real need and public transportation for the West Garfield County to get there easily.
Dr. Steven McKee, Superintendent – Re-2 School District – grown 10% in the last year. Transit student population. 54% new to the district. Since August to November 539 and 88 students dropped and 96 have come in. Strong afternoon programs – money from the district and other programs in the community. Came in 1997 and they were a college preparations school now they are technically focused. Career Center has been set up and provides excellent opportunity for the kids. Welding program will begin with the passage of the bond issue this year. Alternative program was stated this year. 17 kids have enrolled and they have a waiting list. A concern with the transit nature of our community and a lot of needs – offered services in a couple of rooms for Human Resources. Underutilized and would like to take the 1937 building and renovate it. Early childhood center to offer the services and offer a jumpstart before school. Head Start is not working as it should and he is putting out feelers to see what the needs are and possibly provide those. Head Start pre-school, Kindergarten, and 1st grade. BOCC have a work shop with the school district.
Chairman Martin mentioned he has a meeting scheduled for December 12, 2006 joint meeting with John Martin and Dr. McKee, 9:00 a.m. here.

Ed – Safety Council meetings and asked the school officials to join us in monthly meetings to strategy on emergency management issues focuses on schools. We need to have a cooperative situation. Need the schematics available from all of the schools in case a SWAT team needs to be involved.

BOARD OF HUMAN SERVICES

APPROVAL OF EBTEFT DISBURSEMENTS FOR OCTOBER 2006

Lynn submitted the October 2006 disbursements for a total of $379,697.23 and requested approval of the Board.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the $379,697.23 in disbursements.
In favor: Houpt – aye McCown – aye Martin - aye

CONSIDERATION AND APPROVAL OF PLACEMENT CONTRACTS

Lynn submitted the placement contracts:
Child Specific Addendum – Ariel Clinical Services G342091 in the not to exceed amount of $13,299.00; and Child Specific Addendum – Alternative Youth Adventures G330909 in the not to exceed amount of $38,753.39. Also with the Path Facility agreement to purchase and requires Board approval and signature.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Ariel Clinical Services G342091 in the not to exceed amount of $13,299.00; and Child Specific Addendum – Alternative Youth Adventures G330909 in the not to exceed amount of $38,753.39. Also with the Path Facility placement with no specified dollar amount.
In favor: Houpt – aye McCown – aye Martin - aye

LOW INCOME ENERGY ASSISTANCE PROGRAM (LEAP)

The State's low-income energy assistance program began taking applications on November 1, 2006. LEAP will run through April 30, 2007.

CHILD CARE QUALITY AND CAPACITY ENHANCEMENT CONTRACT RECIPIENTS

The Department is once again providing money to eligible Garfield County licensed child care programs in order to enhance and/or maintain the quality of care in their programs.
$46,500 for quality care and program needs to those licensed facilities.

PROGRAM UPDATES

Lynn submitted the program updates for the Commissioners review.
Child Care Program has implemented an Early Literacy Program and a brochure was included in the packet.
The county DHS Website is not operation – it is still being tweaked.
The Department's Annual Child Welfare In-Home Program Audit was conducted by the Colorado Department of Human Services in October. Sheila Strouse and Tracy Kahl were recognized for their work on individual cases.

BOARD OF HEALTH

CONTRACT/LETTER OF AGREEMENT WITH CMC FOR STUDENT NURSE CLINICAL ROTATION EXPERIENCE

A motion was made to go into the Board of Health by Commissioner McCown and seconded by Commissioner Houpt; carried.
Mary Meisner submitted the agreement through June 30, 2007 and requested the Board's approval.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the agreement with CMC for Student Nurse Clinical Rotation experience.
In favor: Houpt – aye McCown – aye Martin - aye
A motion was made to come out of the Board of Health by Commissioner McCown and seconded by Commissioner Houpt; carried.

REVIEW OF AGENCY COMMUNITY HEATLH ASSESSMENT (CONTRACT REQUIREMENT WITH CDPHE)

Mary submitted the report and stated that the purpose of the report was a tool in strategic planning for community health and quality of life improvement. The strategic plan itself will pursue this mission by identifying unmet needs

and circumstances affecting their prevalence, recommending approaches to mobilizing relevant resources, laying out interventions that reduce health and quality of life deficits in Garfield County, while recognizing the strengths of towns and their residents, and then monitoring progress.
Sandra Barnett and Laurel Little presented the assessment that was started three years ago.
1100 surveys were sent out and New Castle responded with 75 of those representing a 10.1%.
Strengths and weaknesses: four things came out in the survey: Challenges in accessing medical dental and social services; households affected by environmental risks; mental health and substance abuse challenges; and chronic health and disability challenges.

PUBLIC MEETINGS:
DISCUSSION REGARDING CHANGING THE NAME OF MID VALLEY LANE BACK TO FOUGNIER LANE – GABE CHENOWETH
Marvin Stephens and Gabe Chenoweth presented the request saying the road was originally called Fougnier Lane (the original homestead name) and not sure when it was changed to Mid Valley Lane – Davis Point and Peach Valley Road – 3 households would be affected.
Commissioner McCown would support this if the three families would support it.
Michele Peifer has a business and it might affect her dramatically.
Mildred – stated that people don't automatically think about changing their voting and motor vehicles records. The letter of notification should also include these things as well as the Post office, Sheriff, Dispatch, phone company, power company, etc.
Gabe will send the letters to these companies.
Public meeting date for the hearing should be included in the notification.
January 8th at 10:15 a.m. was set.
Public Comments from Citizens not on the Agenda
Bill Mallory – 2 acres in South Glenwood and purpose of him being here today is to ask the BOCC and hopefully be accepted permission. He is building a house and presented the permit to the Planning Department; presently living in a motor home and another tenant who is helping build the house lives on the property in a 16 x 8 camper trailer and has for the last 10 years. Bill has his own well. There is a 4000 foot steel building with water and the tenant uses this.
Andy Swaller – Chief Building – sent him a letter in violation and Bill has applied for a building permit as an owner/builder – can have a camp trailer – no provisions for employee housing on the lot. He is in non compliance but working on this.
The Commissioners agreed that "No" would be the answer.

CONSIDER A REFERRAL OF A SPECIAL USE PERMIT TO THE PLANNING COMMISSION FOR EXTRACTION OF NATRUAL RESOURCES FOR A GRAVEL EXTRACTION OPERATION IN THE A1 ZONE DISTRICT. APPLICANT: NORTH BANK HOLDING, LLC – FRED JARMAN
Fred Jarman, Helen with LaFarge and David McConaughnay were present.
Fred Jarman submitted the request for the Board to consider a referral of a Special Use Permit request for Extraction, Storage and Processing of Natural Resources in the Agricultural / Industrial Zone District for a Gravel Pit.
BACKGROUND
The County received a Special Use Permit (SUP) application from LaFarge West, Inc and North Bank Holdings, LLC for "Extraction, Processing and Material Handling of Natural Resources" for a sand and gravel extraction operation to be known as the North Bank Gravel Pit project to be operated by LaFarge North America in the Agricultural / Industrial (AI) zone district.

More specifically, the proposed operation intends to mine sand and gravel from approximately 70-acres of a 238-acre property located north of the Colorado River along State Highway 6 & 24 approximately 2.2 miles east of the City of Rifle, CO. (The Map below identifies the property.) The details of the activity are attached to this memorandum.
Staff Recommendation:
Due to the significant size of the extraction operation, environmental issues associated with wetlands and the riparian/floodplain areas of the Colorado River, and significant visual impacts due to the mining activity including a proposed conveyor across the Colorado River, Staff recommends the Baord direct staff to schedule a public hearing before the Planning Commission in order to obtain a recommendation to the Board of County Commissioners.
Helen – would welcome the opportunity to go to the Planning Commission.
Carolyn – David is representing the operator.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to refer this to the Planning Commis
In favor: Houpt – aye McCown – aye Martin - aye

PRESENTATION OF UPDATE OF SUBDIVISION IMPROVEMENTS FOR SPRINGRIDGE RESERVE AS PREPARED BY DAVID MCCONAUGHY OF GARFIELD & HECHT – FRED JARMAN

D
Fred Jarman, David McConaughy, Yancy Nichols, and the construction company of Mark Gould.
David McConaughy submitted a 9-page summary regarding specific concerns raised by homeowners that reside in the Springridge Place Subdivision brought to the Commissioners on Monday, November 6, 2006.
Today, the plan is to present an update as to improvements at Springridge Reserve as well as address the issues raised in the letter.
David stated that they disagree with the allegations made to the BOCC by the neighbors in Springridge Place. The decision to withhold certificates of occupancy, with no notice or opportunity to be heard, is especially troubling

because this will have the effect of punishing bona fide lot purchasers who have nothing to do with the apparent dispute. Several homes are under construction and it would be a shame if anyone had to delay a move-in date.

Acknowledgment of work underway but none of these items is necessary to provide potable water service to the existing lots in Springridge Place and Springridge Reserve. There is no crisis to interfere with service and there is no need to delay CO's in order for water service to be available.

The request is to allow an extension of time until July 30, 2007 to complete the three remaining items: Relocate Water Tank - $110,000; New Well - $48,000; and Water Treatment Facility Renovation - $5,000. David stated they will agree to extend the existing letter of credit due date accordingly.

Sherry Caloia on behalf of the Springridge Place's position was unreasonable and two comments deserve special mention. One is demanding an "equal representation" on a water committee to oversee the operation and maintenance of the shared system. They are also demanding that SGSDC install landscaping around the sewage treatment facility consisting of 6 foot tall evergreen trees. This landscaping was not required by the County or the AVLT conservation easement documents and would cost tens of thousands of dollars. It also has nothing to do with the potable water service.

David said they are prepared to assign the two existing agreements to the Springridge Reserve HOA immediately so as to comply with Paragraph 4 of the SIA. We will further commit to continue negotiating in good faith in an effort to reach a new agreement between the two HOAs. If those efforts are unsuccessful, then the two HOAs will need to decide as a private matter whether they are better off under the existing agreements or merging the two HOAs. There is not need for the County to be involved in that process.

A proposed First Amendment to the Phase I SIA was submitted.

Irrigation System – serves both and 3rd is the agreement between the two subdivisions.

Greenwald's Children's trust and could assign this to Springridge Place but David explained and said they are willing to pick up the negotiations; however the existing agreements are in place.

Yancy Nichol – irrigation was completed and certified it as complete, Phase I – after the irrigation system was over, investigate – lack of pressure – during construction – had better water, not knowing their system, shut down a few days and didn't realize the issue formerly discussed with the Board. They've had a lot more water than what their water rights are – who draws what and how that works, wasn't sure.

Discussion:

Commisisoner McCown – improvements – no way to test until Spring.

Fred – with the water agreement with Greenwald Family Trust – 1993 – describe the water agreement and the one in the SIA. If they could use the 1993 why a new SIA.

David – SIA said the agreement should be between the two subdivisions HOAs and we had hoped to improve on that, one concept – a water committee who could meet and decide who would be the operator, decreed water structures – 6 ponds, and original augmentation was replaced with the West Divide Water Conservancy District – one of the subjects – none of that is necessary to provide potable service but at the end of the day an agreement stating that the system will be owned by both and pro-rated.

Fred –the details weren't flushed out – a difference between the obligations versus the original 1993. Some material differences.

David – between the two HOAs – it was recorded – the updating is the issue – would like there to be an updated agreement, but in discussing this with Carolyn and Fred, could take over the other HOA and if they need to exercise the remedy – and the only way to get a CO – then that's the way they will do it and not a lot of people would be happy. Exercise this option and a lot of people would be upset.

Commissioner Houpt – we can't resolve the difference where they stand with the compliance.

David – in the agreement, they will commit to go back and will be asking the Board then living with the 1993 agreements will work – it can be improved on but ultimately it would work.

Fred – agreement is in the SIA, the hang-up is the irrigation and physical improvements – remedy is CO's and permits – a breach in contract – what they are proposing is an extension of time and is this to the BOCC's standards.

David – there are 16 lots sold and 16 people who are powerless except what they can and hope to have the BOCC keep this in mind. Total public improvements were $4.2 million and only a few hundred thousand dollars to do the 3 things.

Commissioner McCown inquired if they were continuing the sale of lots.

David – yes.

Commissioner McCown – water measurements – devices – metering – could you validate to them?

Yancy – yes, would look into some type of meter. After the split – splits on the water rights share. Below the cfs – would share proportionally. When more it is split the same way – the design was that way. The only thing he heard was that the water pressure was lower.

David – four different priorities and the ratio is not the same on all of the priorities.

Yancy – they pull out before the Reserve – they get water first.

Barbara Larime – some comments on the irrigation system, some pressure is lower – no changes for her – one household called Yancy and may not know that pressure was dropping.

SpringRidge Reserve wasn't using their system at all. When SpringRidge did pull their water – no water pressure – no sprinkler – only a couple with pumps – most are gravity fed.

Water Agreement – keep talking about – could be one HOA – agreed that it made more sense to have two HOA, covenants – not sure if that gives them the right to have only one HOA. They are paying for the entire water system and nothing for their water.

Bruce Wampler – responsible to make the water work all summer, talked to Yancy and why it doesn't work, experiments on the splitter and if there is something wrong, they are trying to make the system work better and won't know until next Spring. Can't understand why it's not working – looks like it will work on paper, but ideas on how it could work, so each side will get their share – main concern that the fix will work and work next spring.

Carolyn – the SIA is straight forward.

Mark Gould – drew nuts and bolts of the system to explain how the system should work; he drew an example – bottom line is that it's nothing fancy – brought the 12 " pipe down some length. Demand over what is being

split – an issue of – explained in depth – when you're dealing with the system, moss on the screen – maybe we need to clean this once a week – system that needs to be tinkered with – a simple system – not sitting there doing nothing. They are working on this. There is frustration – will not have to change the system to get the desired effect.

Bruce Wampler – not a complicated system – 1) before the box was put in they never had a pressure problem – 2) working hard to keep the system, filter not the issue. Doesn't understand why no water. Will not be hard to fix but they want some assurances that whatever they do will work.

Barbara Larime – surface irrigation coming into their pipe was significantly higher.

David – assurances – offer some warranty period under the SIA. Mark's warranty is in place and could assign BOCC, post additional security to meet the fix and are willing to do that ($10,000 to $15,000) as additional security.

Commissioner McCown – discussed the splitter box.

Yancy – it is 18 inches.

Commissioner Houpt – needs to be some recognition here – some greater level of understanding before she is comfortable.

Yancy – said the pressure was at 6 psi – difference with friction loss. Time has been spent with Bruce and believes there are air pockets; in the spring they can test and will meet with the two Subdivisions; he assured the Board that water is there.

Carolyn noted that this was not agended as an extension. She informed the Board that enforcement of the SIA meant no CO's until the improvements were complete.

Commissioner McCown stated they can't test the system until spring.

Fred – the language of the SIA says no CO's can happen regardless of whether this is extended or not. The date on which this goes is just a contract with the BOCC before we can release security, it doesn't mean that you can still issue CO's even though improvements haven't been completed and satisfied the County by their engineers – that's the problem. There's the irrigation system, the new well completion testing, water treatment facility renovation and the relocation of the water tank and an expired SIA. They are in breach of all of them right now.

Additional discussion took place and Steve Marshall and Barbara Larime voiced their concerns over the things that need to be done. The system in place is totally inadequate the other subdivision is not paying for their share and no way of billing. They also pointed out that the well is not where they said it was going to be and no one consulted with them and the well is within the 600 foot requirement and not sure it will be permitted.

David – the well set back is due to the nitrates and the reason for the second well is for improved water quality. The owner of the existing well is still permitted in the name of the developer and they won't protest their own permit. There are 4 wells – 2 decreed; 2 not decreed – could drill up to four wells. In terms of process today, he did intend his request to be for an extension.

Pat Fitzgerald added it is unfortunate the stipulation of no CO. Lot 1 has a temporary CO. Why can't they get a CO because it is creating a problem with the banker? On the water system we've had three meetings with Springridge Place – keep coming back to one issue 22 lots in Spring Ridge Place and 81 lots in Spring Ridge Reserve. They want equal numbers when it comes to voting and this doesn't work this way. He is willing to work out a formula – who would administer and how paid – agree upon administrative rules but they keep coming back and it is not within his ability to make that agreement. Pat will meet but not willing to do things that fly in the face of conventional wisdom. If no agreement, roll back to the agreement in 1993. Pat said it started within his meeting with Springridge Place trying to be good neighbors – Pat has tried.

Katrina Haynes – not true – ¼ mile from the 1st well. They weren't informed about anything – kept in the dark – running the system – needs equal representation.

Carolyn – this is a civil matter.

Commissioner McCown suggested a public meeting on December 4th and they can request approval for an extension.

David – reminded the Board that they had 33 lots remaining to hold over them.

Commissioner Houpt – no CO's – suggest that we can't get involved in the dispute – best interest – won't resort to an older agreement.

Chairman Martin – get the agreement in place and decide – HOA one or two – public meeting on the 4th of December.

PUBLIC HEARING: CONSIDER A REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION. APPLICANT – GRAND HOGBACK, LLC. – FRED JARMAN

This was cancelled.

Executive Session – legal advice – incident that occurred today in Road and Bridge and legal advice on the HR policy; also the Salary Survey

Those requested to stay were Bobby, Marvin, Carolyn,

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

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

Action Taken:

Don stated the only action is to continue this meeting on the 1st of December, at 9:00 a.m.

Recess

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

DECEMBER 1, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The CONTINUED meeting of the Board of County Commissioners began at 9:00 A.M. on Friday, December 1, 2006 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.
Executive Session – Salary Survey
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:
None

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

Attest: Chairman of the Board

_____ _____

DECEMBER 4, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 4, 2006 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

- ***Update on 2006 and 2007 Fund Balance Projections – Patsy Hernandez***

Patsy Hernandez and Bob Pendergrass were present.
Two different spread sheets were submitted with all the changes to the 2007 proposed budget per department and the Exhibit D – projected revenues, expenses and fund balances. Ending balance for 2006 - $37,359,330 and for 2007 - $336,336,691.00. Ed explained that this didn't have the Meadows, the salary survey funds for 2007, nor the Road and Bridge DOLA grant.
When the budget is brought forward to the Board, this will be the fund balances.

COUNTY ATTORNEY UPDATE – DON DEFORD

- ***Consideration/approval of First Amendment to Surface Use Agreement/quitclaim Easement Deed – Dever A Well Pad and Pad Access***

Don DeFord submitted the document to the Commissioners and requested the Chair be authorized to sign the First Amendment to the Surface Use Agreement/quitclaim easement deed for the Dever A Well Pad and Pad access. Commissioner McCown so moved. Commissioner Houpt seconded.
In favor: Houpt – aye McCown – aye Martin - aye

- ***Establishment and approval of Newly Elected Officials bonds***

Don stated that the Treasurer's bond must specifically be set by the Board of County Commissioners prior to the time that she is sworn in and unlike the other elected officials she will be sworn in before the 1st of January.
Mildred checked on the bonds and the bonds now on the elected are: Commissioners are $10,000 each; County Treasurer has two bonds - $25,000 and one for $5,000; County Clerk & Recorder – two bonds - $25,000 and $10,000; Assessor - $25,000; County Sheriff - $10,000; County Surveyor has a bond for $1,000 but according to statute it should be $10,000 and the County Coroner - $25,000. Our cost of the bonds was submitted and each bond can come out of each budget or they can come out of the administration. This is up to the Commissioners.
In response to a question regarding the Treasurer's bond, Don stated that the treasurer's bond is discretionary and set by the Board. We have discussed this in the past because there are some holes in the liability coverage and lost of tax revenues and funds generated through taxation but in the past the Board has elected to set the bonds at this level and then assume the risk as part of the general fund.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to accept the existing levels of bonds from 2007 through 2011 as previously stated with the increase in the County Surveyor's bond as presented.
In favor: Houpt – aye McCown – aye Martin - aye

- ***Consideration and direction re: mineral lease allocation***

Don DeFord submitted the letter from the State Treasurer concerning authorization from the County to the State. The language of this letter tracks almost verbatim the statute and in order to release funds the County has to

notify the State Treasurer as set forth in this letter. Don asked for the Chair to be authorized to sign the correspondence dated October 1, 2006 to the State Treasurer authorizing release of the Mineral Lease funds. Commissioner Houpt – so moved; Commissioner McCown – seconded.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Consideration/approval re: Special Use Permit and Minor Development Permit – River Bridge Child's Advocacy Center***

Randy Withee and Don presented. These are the actual permits to sign off on and conform to the agreement formerly authorized.

Karl Hanlon of Leavenworth & Karp, P.C. submitted the copies of the permit and SUP for the River Bridge Child's Advocacy Center and requested authorization from the Chair to sign the documents.

Don requested authority for the Chair to sign off on the permits.

Commissioner Houpt so moved; Commissioner McCown seconded.

In favor: Houpt – aye McCown – aye Martin - aye

Executive Session: Litigation Update; Legal Advice – Salary Survey and Draft on the Library District – provide legal correspondence with Town of Silt; discuss letter to Correctional Health Management. Contract with Library District, Code Enforcement item; legal advice concerning the extent of the Mamm Creek Field area;

Personnel needed includes the Sheriff for the discussion on the Correctional Management regarding the ACLU; Debbie from the County Attorney's office if available, Marvin on the Silt matter; the administration of the Library District; Fred on the Code Enforcement, and Human Resources and Patsy.

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:

Letter to Correctional Health

Don submitted a letter to Correctional Health Maintenance stating our position in regard to their contract obligations and asked that the Chair be authorized to sign the letter.

Commissioner Houpt – so moved; Commissioner McCown – seconded.

In favor: Houpt – aye McCown – aye Martin - aye

Action Taken:

Winter Maintenance on Roads Annexed into Town of Silt on the Stillwater Development – Marvin Stephen Stillwater

Don stated the Board has had opportunity to discuss the status of the Roads in the Stillwater Subdivision and the Agreement we have with Silt and wish to present a letter from the Board to Silt confirming that those roads within the Stillwater Subdivision are municipal streets and not subject to County maintenance and need authorization for the Chair to sign the correspondence.

Commissioner Houpt – so moved; Commissioner McCown – seconded.

Commissioner Houpt stated this is really a letter of clarification and a follow up to previous correspondence with Silt. Chairman Martin agreed this confirms our decision in September of this year in reference to that situation.

In favor: Houpt – aye McCown – aye Martin - aye

Action Taken:

Request from Brian Mackey of the Oil and Gas Commission to State the Position of the County – Release of Two Townships in the South West Corner of the Mamm Creek Field Rule Area

Don stated the application of those field rules and to that end Jesse Smith and I requested that Dr. Thyne state his position and the Board has reviewed that and at this point am asking the Board to take a position publicly as to whether or not you wish to give direction to Brian Mackey concerning the County's position on the release of those townships.

Commissioner Houpt – doesn't believe we have sufficient information or able to provide Jeff Thyne with sufficient information to analysis the decision that COGCC made to open up that area so I would make a motion that we request further information from COGCC withhold making a position and have either Jeff Thyne or another person with his qualifications review the information and give us an expert opinion on that move.

Commissioner McCown seconded.

Chairman Martin – I agree that we don't have enough information on that and it is up to make that determination on whether to intervene or not and we need to face it one way or the other.

In favor: Houpt – aye McCown – aye Martin - aye

Action Taken – Direction Only

Salary Survey

Don stated that on Friday the Board has scheduled a continuation of your previous Board meeting to engage in confidential discussions of the deliberative process document that has come to you generally described as the new or current Salary Survey on positions within the County. Because the Board was unable to achieve a quorum for a variety of reasons on that day, the matter was continued to 10:15 today and if the Board wishes to take a position in regard to the status of that document you need to do so at this time publicly.

Commissioner McCown – I think the direction probably you're looking for is in the form of a direction rather than a motion and I would direct that the administrative staff disseminate this study as a conceptual study to the various department heads and to the elected officials to review, to make any suggested change to and then bring back to us for final review. Commissioner Houpt – supports this direction.

Chairman Martin – finally we will get this out to everyone and we need to make adjustments; this is in conception and the final decision will be with this Board.

Don – by that direction the Board is not indicating that you are adopting that study at this time.

COMMISSIONER REPORT

A Birthday cake for Tresi Houpt who has a birthday tomorrow was presented.

Commissioner Houpt – Wed and Thurs. – in Denver participating in the Natrual Resource Transition Committee and conducting interviews on those two days; Friday – a Beetle Kill Summit in Frisco from 9 – 3.

Commissioner McCown – Wednesday, a Com Board meeting; Thursday is Northwest Oil and Gas Forum and Associated Government – Rifle – Events Center 10 a.m.
Chairman Martin – Beetle Kill Summit – this is an Energy Management done by Ken Salazar to bring everyone together to see what kind of legislation and management programs we have, do an inventory or what we can get accomplished by administrative action as well as legislative action; a meeting with the new owners of Ski Sunlight who wish to go ahead and come down and meet the administration, etc.
Don stated that he has spoken with the attorney for the proposed new owners for the Ski Sunlight area and asked that they not contact the County Commissioners directly but deal directly through the staff concerning the future of their project because the matter invariability will require a public hearing in front of this Board. We have scheduled a staff meeting with the owners for Friday.
Chairman Martin – also have new rules and regulations in reference to the motor carriers which will affect our Road and Bridge folks, a seminar on Wednesday down at the Grand Junction Holiday Inn Motor Carriers update from 9 – 1 and will be attending. Oil and gas forum on the 7th and meeting about physical space with Dr. McKee on Tuesday at 9:00 a.m. here Good meeting in Colorado Springs at the CCI annual meeting – made contacts and encourages the Board to meet the new people. There are about 200 people involved in the transition for the elected officials. The mineral leasing and severance tax is under attack in every conceivable way.

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 a Resolution of approval for a Text Amendment to Section 5.02.21 "Temporary Employee Housing" of the Zoning Resolution of 1978 as Amended. Applicant; Williams Production RMT, Inc. – David Pesnichak
f. Authorize the Chairman to sign the Acknowledgement of Partial Satisfaction of Subdivision Improvements Agreement for Phase C and D, Valley View Subdivision, Battlement Mesa PUD. Applicant. Darter, LLC. Fred Jarman
g. Authorize the Chairman to sign the acknowledgement of satisfaction of Subdivision Improvements Agreement for Phase II, Springridge Reserve PUD. Applicant: Springridge at Glenwood Springs Development Corporation – Fred Jarman
h. Liquor License renewal for Glenwood Tramway, LLC. - Mildred Alsdorf

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

REGULAR AGENDA PUBLIC MEETINGS:

- ***Award Banking Contract – Georgia Chamberlain***

Tim Arnett and Georgia Chamberlain were present. Georgia submitted the scoring for the entities that bid for the banking contracts. Alpine Bank is the recommendation of the evaluation team and had the best overall value.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the contract to Alpine Bank for 2007.
In favor: Houpt – aye McCown – aye Martin - aye
Contract should go back before the Board.

Garfield County Emergency Communications Authority – 2007 Budget – Carl Stephen

Carl presented the budget.
Commissioner McCown sits on the Board.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution of the acknowledgement of receipt of the budget for the Emergency Communications Authority for 2007.
In favor: Houpt – aye McCown – aye Martin - aye

- ***Ranch Good Days – Colorado Girls Ranch Program Request for funding – Donna Otabachian***

Dr. Donna Otabachian submitted a flier and the article in the Post last Friday giving the Mission of the Ranch Good Days located in Carbondale, Colorado on Upper Cattle Creek Road.
She gave an introduction of the program and has 6 beds and service all girls only. Garfield County was chosen because of the availability of land and provide services for those most needy located in the four corners of the Ute Nation territory. She is expecting DOLA funds and is required to ask local matching grants. Some land crosses into Eagle County and she will going to the Eagle County to ask for funds. Division of Housing will be asked as well. There isn't a set percentage from local governments. It will be facilities, beds, and not land. Many of these girls have come from shelters.
Chairman Martin has asked her to consider grants from Human Services – left over funds totaling $86,000 and new proposals are submitted July of 2007.
Ed - $70,000 has been dedicated and our intent to distribute to Human Services agencies that participated in the original grant process last July have received awards, so these would be supplements to that.
Commissioner Houpt –are you discouraging new applications for this type of service?
Ed said the $16,000 held in reserve would be available for those if that's what the Commissioners want to do.
Chairman Martin – this would be a decision made by the Human Services Board and we need to make sure you get in touch with them as soon as possible.
Commissioner Houpt – in terms of the matching funds it sounds like you are in the process of putting your partnerships being put together and when we look at this type of thing, usually people have things in place and have requested funds from the Division of Housing. Partnerships could be broad based as well since they are serving a broad base of applicants.
Donna has been working on this since 2003 and is excited to get this going.
This is a foster home situation and these girls have barriers from home situations gone bad. They are looking to becoming a treatment center.
Commissioner McCown – suggested they contact the land use department.

REGULAR AGENDA
PUBLIC HEARINGS:

- ***Discussion of the 7th Supplement to the 2006 approved budget and the 7th amended appropriation of funds – Patsy Hernandez***

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.
Patsy explained the changes and submitted Exhibits A and B driven by the Personnel Action sheets.
Exhibit B – in addition the individual requests, one of the things they have been doing is keeping an eye on the individual budgets, need supplementals, and reflect the goal of the end of the year budget. Final supplements are due in two weeks.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing:
In favor: Houpt – aye McCown – aye Martin - aye
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the 7th supplemental to the 2006 approved budget and the 7th amended appropriation of funds and the Chair be authorized to sign.
In favor: Houpt – aye McCown – aye Martin - aye

- ***Consideration of retaining excess property taxes for Capital Expenditures – Patsy Hernandez***

Don DeFord 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.
Property tax amount budgeted in Capital Fund in 2007 = $8,680,140 and the amount required is $1,000,316.
Public Comments:
A letter from Ken Call was read into the record basically stating his reasons for the Commissioners to lower the mill levy and quit expanding county government.
Pasty submitted Exhibit A – publication; Exhibit B – memorandum; and Exhibit C – Ken Call's letter.
Chairman Martin swore in the speakers.
The memorandum was placed before the Board with the anticipated property tax mill levy benefiting Garfield County in anticipated property tax revenue.
The request of $1,000,316 into the capital fund for 2007 and be able to budget it into the budget.
Don read the letter into the record. Ken Call asked that his letter be attached to the mill levy certification to the State Department of Local Affairs.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing:
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the excess of in the amount of $1,000,316.00 for the capital fund in 2007.
Commissioner Houpt – appreciates the concern and supports the decision to accept these funds into the capital fund to make sure we have safe roads for people to travel on and have emergency services and our Sheriff's Department and a lot of this. It boils down to, as we as elected officials are charged not only with looking at the budget as it stands today but what we need to plan for into the future and when you look at the type of economic growth that's occurring in this county I think it's very important for us as local officials to plan for the future because we won't always see the same level of revenue that we are seeing coming into our county when our economic picture changes, so I appreciate his concern but I don't agree with it but glad that we're hearing from the public.
In favor: Houpt – aye McCown – aye Martin - aye

PUBLIC MEETINGS:
BUILDING AND PLANNING:
CONSIDER A REQUEST TO REVISE THE TERMS AND EXTEND THE DEADLINE OF THE OBLIGATIONS IN THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR SPRINGRIDGE RESERVE PLANNED UNIT DEVELOPMENT: APPLICANT: SPRINGRIDGE AT GLENWOOD SPRINGS DEVELOPMENT CORPORATION – FRED JARMAN

Commissioner Houpt – one of her husband's partners is representing the partnership and since the issue is about water she will recuse herself.
Commissioner McCown – agreed since they have had some correspondence from the firm.
Fred Jarman, Pat Fitzgerald, Yancy Nichol and David McConnahey for Springridge Reserve were present. A few of the residents from Springridge I were present.
Fred stated that on July 7, 2005, the Board of County Commissioners (the Board) entered into a Subdivision Improvements Agreement (SIA) with Springridge at Glenwood Springs Development Corporation (the Developer) in order to govern the terms and obligations for improvements to be completed in Phase I of Springridge Reserve PUD.
This SIA expired on August 26, 2006 leaving three specific improvements uncompleted which include 1) relocation of the existing water tank, 2) new well completion (testing), and 3) water treatment facility renovation. Note, the security held by the County for these required improvements remains in effect until February 19, 2007.
As a result of this expiration, the Developer is in breach of the terms and obligations of the SIA which means that the County (pursuant to Paragraph 14 of the SIA for Phase I) *…may withhold issuance of any building permits for any structure to be built upon any lot within Springridge…or certificates of occupancy until all improvements have been completed*" as a remedy for breach of the SIA.
Presently, the County has issued one Certificate of Occupancy (CO) for Lot 16 in Phase I and has issued two Building Permits for Lot 28 (Phase I) and Lot 1 (Phase II). Based on the direction the Board provided Staff on November 20th, 2006, no COs are to be issued until the improvements in the SIA are completed. To that end, the Developer has now submitted, under cover of this Memorandum, an Amended SIA for Phase I for your consideration.

I. POINTS OF CONCERN

There appear to be three main points of concern that require the Board's specific consideration and direction which are contemplated in the attached Amended SIA:

1) Whether or not to approve a request to extend the life of the SIA (and associated security) from August 26, 2006 to May 30, 2007 (a 9-month extension) to allow the Developer time to complete 1) the relocation of the existing water tank, 2) the new well completion (testing), and 3) the water treatment facility renovation.

   Staff also notes that the SIA for Phase II (which expired on November 16, 2006) also requires that "all improvements in Phase I serving Phase II, which includes the three included above, shall be completed within the time frame required by the Phase I SIA. In this way, the Developer is also in breach of the terms and obligations of the SIA for Phase II. More specifically, the relocation of the existing water tank, the new well completion (testing), and the water treatment facility renovation certainly serve Lots 1 through 6 in Phase II. This requires an Amended SIA for Phase II.

   Under the "Owner's Performance" paragraph, the SIA includes language that allows the Board to extend the life of the SIA for "good cause shown." The Board has historically extended the life of SIAs in the past for similar reasons and Staff would recommend the Board grant an extension in this case to the date requested of May 30, 2007 with the understanding that the Developer could accomplish the last few improvements and obtain full release of security well before that date.

2) Whether or not to allow the County to issue Certificates of Occupancy without the completion of all improvements mentioned above. As you are aware, the SIA presently requires that "*prior to issuance of any certificates of occupancy by the County for any homes to be located upon the Springridge PUD, Phase I, Owner shall install a water distribution system for potable water and fire protection and a wastewater collection system in accordance with CDPHE approvals and County-approved plans and specifications.*"

   To this end, Staff proposes several suggestions that the Board may chose to consider:
   A) Retain the restriction (as presently written in the SIA) that no COs are issued until all improvements are completed; or
   B) Issue only the COs for the two Building Permits presently under review for Lot 28 in Phase I and Lot 1 in Phase II until all improvements have been completed; or
   C) Allow the issuance of any COs on any of the lots in Phases I and II without all of the improvements completed as proposed by the Developer in the Amended SIA for Phase I.
3) Whether or not to agree that the recordation of the existing "Water Service Agreements" entered into 1993 between the Greenwald Children's Irrevocable Trust No. 1 and Springridge Place HOA can satisfy the Developers obligation in the current SIA that "*Owner shall assure that water supply, distribution, and usage agreements, consistent with the PUD Approval and Preliminary Plan Approval, between the two subdivisions are in place, updated, and recorded in the records of the Clerk and Recorded of Garfield County.*"
   Staff continues to question whether these "agreements" have been "updated" as required to the post development reality versus what was envisioned 13 years ago in 1993. In that case, Staff remains unclear that "un-updated" agreements that reflect the current development scheme truly satisfy the intent of the Developer's original obligation as stated in the SIA.
4) The Developer commits to have their engineer complete additional testing and inspection of the non-potable irrigation system that serves Springridge Place Subdivision as part of the terms in the Amended SIA. This testing and inspection is to ensure the system operates as is designed within the required capacity of that system once the irrigation season begins in 2007. This is a secured line item in the revised engineer's cost estimate attached to the Amended SIA. Note, the Developer proposes to replace the existing letter of credit with a new one that will be valid for 8 months beyond the SIA expiration date that is intended to cover the last remaining improvements discussed above.

II. SUMMATION

Fred stated, in summary, the SIAs have expired for both Phases I and II of Springridge Reserve yet there are still outstanding improvements that have not been completed that serve both phases. To this end, the Developer is requesting the Board grant the following concessions:

1) Extend the life of the SIA for Phase I;
2) Allow COs to be issued without all improvements completed;
3) Allow the recordation of "un-updated" 1993 Water Usage Agreements to satisfy the Developer's obligation in Paragraph 4 of the SIA; and
4) Acknowledge a new commitment by the Developer to test and inspect the irrigation system for Springridge Place as an obligation in the new SIA for Phase I.

One last point, Barbara Larime submitted a letter outlining a number of points particularly with respect Well II as well as ownership of that well and supporting correspondence from the State Water Engineer attached.

Applicant: David made a list of what answers we have and his clients would like to get out of breach on the SIA's and no one is debating that August 26th has come and gone and these three items remain. We are prepared to commit as we put in the proposed 1st amendment to get everything finished by May 30, 2007 to add to that list a fourth item which would be to test and inspect this irrigation system including the improvements that Mark Gould described when we were here two weeks ago which were not improvement necessarily required by the SIA but something that we went ahead and did voluntarily anyway. Yancy has given you a number of $163,910 for the amount of security and the other thing that we feel we have added enough information to beg for mercy on the CO's at least with respect to these outstanding building permits. One has applied for a CO's and is ready to start living in his house. Yancy's memo states the existing tank can serve up to 20 units without causing any problems the fire flow of water. The concern of no CO's is that the occupants won't have water and sewer and this is not the case. Whether to sign the 1993 agreement is the question, a meeting with Sherry Caloia is scheduled for Wednesday to hammer out thee agreement between the Homeowners. Is there a right to joint the two Homeowners and make them as one; options at least fulfill the two HOA's and prorated costs.

First Amendment to the SIA – have the number, the proposed date and to negotiate in good faith and don't have a signed sealed agreement between the two HOA's and will have to sit down with Springridge Place. The new location for the well was picked by a team. Shall they ask for mercy on the two CO's and come back in a week or two – want to get out of breach with the existing SIA.

Comments, Suggestions were asked for.

Commissioner McCown – asked if they have seen the letters of concern. They address specific points:

David – December 1, 2006 – no well permit for Well Number 2 – agreed and needs to submit for approval. 600 foot perimeter – both are owners of the well so given the Springridge Place is the major owner of the new well. The relation is to try and reach an agreement with them that it's in a good place. For Springridge Place – the nitrates rates are acceptable. David submitted his reasons for drilling the well where they did. Well Number 2 was a huge part of the water supply – expect vandalism and agree that it's important to get the second well on line in case maintenance is needed on Well No. 1. This is a priority and is trying to get the well on line. David says they haven't met with the owners in Springridge Place and submitted a copy last time he met with the Board and will negotiate in good faith. A meeting is set for this Thursday with the attorney for Springridge Place.

Fees – the document does specifically say the fees will be pro-rated between the two different subdivisions and all will pay their fair share.

Commissioner McCown – what is lacking holding up well no. 2 on line.

David – testing, permit and can't connect without a permit. They need to verify the well is okay before negotiating. Well No. 2 is a backup well and will not be put on line.

A monitoring permit to drill a well and then modify that once the water is determined and get a well permit.

Commissioners McCown – how will this agreement tie the two subdivisions together?

David – it states very clearly it would be one water system. The two associations own the water system and the 1993 agreement gives SpringRidge Place the water rights, but once is it completed, it would be transferred to Springridge Reserve and would agree to provide Springridge Place with water under that system.

Public Comment:

Bruce Wampler – 3-13-00 wants to be fair to everyone, we need fairness to ourselves and our property values – good faith agreements – made commitments when they came before the Board, but they have not acted in good faith and the promises made haven't been completed. Well was never drilled where it was supposed to be, no communication about what is going on, change the operator, did not consult, tried and failed to make an agreement, naturally they don't trust the developer and this is how they came to be in disagreement with the developer. This should be dealt with as two entities – equal representation for each entity. The HOA would be represented on this new water agreement. Never returned phone calls, communications, it is a HOA issue and the fault lies with the developers. They would agree to release the CO for the homeowner ready to move in. The 1993 agreement was void based on the new agreement with the two subdivisions. Need some way to compel these developers to work with us and want to protect our property rights and homes. They have continued to act in bad faith.

Barbara Larime – added – this meeting that is scheduled, scheduled because Sherry called David and supports the bad faith idea. 2003 Springridge Place asked for some things to keep impacts from being made on the existing subdivision. The developer and the Board agree to the terms with the two Subdivisions. It became inconvenient for the developer to abide by the agreement. They are trying to develop a new subdivision and we are trying to preserve our water system and our property and it is inappropriate for them to ask for things because it is not convenient with them. Early July – because they didn't like what was put in the agreement and the intent, they refused to talk to them. This is totally wrong to say the only thing that will make this water agreement go forward. Please keep this in mind as the Board goes forward.

Yancy and Pat have told us – each well is to operate separately but they both serve the subdivision equally and it is not just a backup well.

Michael Larime – observations – imposed in July 2005 – those restrictions were well considered and nothing has changed to make these less relevant as to when it was imposed and look at the BOCC to understand compliance to the agreement. The two HOA's do not have an agreement with the two wells. They are not aware of any contributions to operate the water system. Clearly this situation would not have occurred if the Springridge Reserve developer had concluded a water agreement as originally required by you the Commissioners. The developer's non-responsive behavior in relation to the water agreement in my opinion should not be condoned or rewarded by the Commissioners in terms of the relaxation of the requirements to conclude a water agreement between the two HOA's. He continued with the letter and concluded that the issuance of CO's is probably the most effective point of control available to the County. Had the two currently improperly issued CO's in Springridge Reserve been withheld these water issues would not have arisen and we wouldn't be in the position we are in today. They merely wish to have compliance with the existing PUD agreements and encourage the Board to take into the account that it is your primary point of control with the no issuance of CO's in this situation with the developer. Lastly, the homeowners in the Springridge Place are not attempting to put a greater financial burden on the developer we merely wish to see compliance with the County's original stipulations in regard to the development of Springridge Reserve.

John Traul – agrees with Michael and added that when trying to resolve a problem and they are asking for an opportunity to get with the developer – the well is a huge issue and the idea of where the well is supposed to take care of all these units is there needs to be a backup for the water supply. With this many homes being built, it is important to have a water supply, the wells were going to a ¼ mile apart from each other and to drill a second well from the same aquifer would not support a second water supply. Under Colorado law can't dill a well within 600 feet from an existing well and Springridge Place is the owner. He thinks the Board would want to see that the water is supported from two different aquifers and the CO's are the way to hold them accountable and encouraged the BOCC to hold CO's until the water tanks are there and the water hooked up. We need two different sources of water for this large number of homeowners.

David – pointed out that their interests are more important than stated. They don't want to have water problems so they can accurately represent water for the subdivisions. There can be a 3rd and 4th well and if there is a problem this can be drilled. The well was drilled where Tom Zancanella suggested and need to sit down with these folks and get this clarified.

Carolyn – all the decisions points have been laid out.
Commissioner McCown – the State water engineer has the authority and will be dealt with at the time they look at the well permit. This is a puzzle and how to come to a Resolution on this would be a continuance, allow CO's on the buildings that have been built and not any more until the water agreement, one person, one vote, that's what our democracy is built on. Someone alluded to the fact that two senators from each state, yes that's true but those senators are elected by one person, one vote system and whether there is 100 people in one subdivision and 10 in another I don't see those folks as having an equal voice at the table, each lot owner would have a vote and that's how I would anticipate an agreement. I live in a subdivision that has a HOA much like this and the water use is levied per lot not by individuals, if you own 100 lots you pay 100 fees, if you own 10 lots you pay 10 fees, the water is meter and you pay on the usage of the gallonage you use, it's a very fair, honest and straightforward system. To me if you're looking at all encompassing water agreement this is what you have to be looking for. You can't be looking at one subdivision against another one within one water system, you have to look at one water system serving x number of lots and that's the only way I would ever see this getting to any kind of an agreement. With that I would make a motion that we for the sake of interest continue this hearing until December 18th to allow time for the initial meeting that Mr. McConnahey alluded to and include in my motion the allowance of the CO's to be issued on the houses that are currently under construction, that the SIA be extended until May and the funds be transferred and held in escrow, the funds alluded to, I believe was $163,910 for the completion of the water system and then on December 18 I would hope for some type of resolution to the Well II and the water sharing agreement.
Chairman Martin – clarification, no CO's have been issued in Springridge Reserve.
Fred said one CO's has been issued and two building permits and maybe a third.
Chairman Maritn – Lot 28 on Phase I and Lot 1 in Phase II.
Fred – that's what our record show, but the applicant thinks there may be one more out there.
Commissioner McCown – it would only be for those lots for whatever reason we have issued building permit would I even consider a CO and I would not consider any further building permits until we get some type of resolution on this hopefully the 18th.
Chairman Martin – seconded the motion.
Commissioner Houpt commented: in general terms, I think that anytime there is an agreement between two developments you would do anything to protect your investment and would expect a fair and equitable negotiation goes forth regardless of the density of one over the other. You don't want new development impacting an already established development in those negotiations; you want to make sure they aren't injured by the new development.
Commissioner McCown - Amended his motion adding the second SIA that is also expired and that would also have to be extended and included in this package we're going to see on December 18, 2006. Phase II is included.
Chairman Martin – seconded the amended and added comments made that they hope this is in the best interest of both subdivisions.
In favor: McCown – aye Martin – aye Houpt - abstained

PUBLIC HEARINGS:
CONSIDER A SPECIAL USE PERMIT FOR A TEMPORARY EMPLOYEE HOUSING FACILITY LOCATED APPROXIMATELY 20 MILES NORTH OF PARACHUTE IN SECTION 3, TOWNSHIP 5S, RANGE 97W. APPLICANT: CHEVRON USA, INC. – DAVID PESNICHAK
David Pesnichak, Carolyn Dahlgren, and representing Chevron are Phil Vaughan and Mike Gardner senior environments 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.
David 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 –Staff Memorandum; Exhibit E – Application Exhibit F –Draft Resolution amending Section 5.02.21 of the Zoning Regulations of 1978; Exhibit G – Memo from the County Vegetation Management, Steve Anthony dated 11-21-2006; Exhibit H – Email from Jim Sears dated 11-3-2006; Exhibit I – APD for the relevant drilling site; Exhibit J – Site Rehabilitation Plan; Exhibit K – Letter from Phil Vaughan dated 11-20-2006; and Exhibit L – Email from Steve Anthony dated 11-27-2006. Chairman Martin entered Exhibits A – L into the record.
David presented the application:
DESCRIPTION OF THE PROPOSAL
The Building and Planning Department received a Special Use Permit (SUP) application for "Temporary Employee Housing" on property owned by Chevron USA, Inc located on an 17,013 acre property approximately 15 miles North West of the Town of Parachute "as the crow flies" (See location maps). By vehicle, this property is 55.5 miles North West of the City of Rifle (See proposed emergency services map route, P.9).

More specifically, the Applicant, represented by PVCMI Land Planning Division, requests approval for one Temporary Employee Housing site to house personnel for the purpose of winter natural gas drilling operations. The field in which this facility is to be located is known as "Trail Ridge" and has been in "operation" by Williams for 5 years. Williams plans on constructing 1,500 wells in this region over the next 20 years.

This site is very remote as it is a 2 ½ hour car drive from the nearest housing and is intended to be contained (except for the ISDS) on an existing COGCC approved well pad along with other drilling facilities. The Temporary Employee Housing will be in use from November to May and will be managed by PTI/Camp Crown Services for housing, catering and laundering services. Williams is requesting two renewal cycles for this permit (2007 and 2008) in order to bring the housing through two full winter seasons. The maximum number of people to be housed at the site will be 24.

<u>Housing Structures</u>
The Applicant is proposing a 6-unit side-by-side (total of 72' X 54') which will include a kitchen, dining room and recreation room. The plans anticipate a total of 13 rooms that can sleep up to two people each per the 2003 IBC. The

facility will have three, 4000 gallon potable water storage tanks; three, 70 kW generators; and an ISDS system for sewage.

Water: The Applicant is proposing to haul water to the site using a water hauling contractor. The potable water is to be supplied by GTM, Ltd (does not have a potable water haulers license number) who will get potable water from the Meeker City Water Department. Thus, all water will be treated prior to delivery at the site.

The site will be equipped with three, 4000 gallon potable water storage tanks. The facility is designed for 80 gallons of potable water use per day which includes dining, food preparation, laundry, sewage, sanitation and a contingency. At this rate, the facility is anticipated to use approximately 1,920 gallons of water per day. This will provide a 6.25 day supply of potable water.

Sewage: The site is to be served by one ISDS system which is to be located just off the approved COGCC well pad. The ISDS has been engineered by Cronk Construction Incorporated and signed/sealed by Thomas A. Cronk P.E. The proposed system is designed to handle the estimated 1,800 gal of sewage and wastewater/day.

Proximity to Permanent Available Housing: As this site is over 55 miles from the City of Rifle, the nearest municipality by car, staff has concluded that this is a very remote site which is not proximate to any permanent housing.

Renewal: The Applicant is proposing to renew this annual permit twice (2007 and 2008) to allow for two full winter seasons at the site.

Reclamation and Revegetation: All housing structures and associated equipment will be located on the COGCC approved well pad except for the ISDS. Since the ISDS is not located on the well pad, it is not covered by the COGCC reclamation standards and is required to meet the standards set for in Section 5.02.21 (11). A "Site Rehabilitation Plan" has been submitted (See Exhibit J). Since the area disturbed is less than ½ of one acre, staff is not recommending that security be collected for this revegetation plan.

As this site is very remote, located primarily on an already approved COGCC drill pad and will ultimately reduce the amount of traffic to and from the site, it is staff's opinion that this Temporary Employee Housing facility will not adversely effect any nearby neighbors as proposed.

BACKGROUND

Referral to Planning Commission

As an oversight from the recent staff turnover in the department, this application was inadvertently scheduled for a public hearing before the BOCC without first getting the Board's direction on referring the application to the Planning Commission. At the Board's discretion, this application may still be referred to the Planning Commission for their recommendation. However, staff feels that given the recent text amendment to Section 5.02.21 "Temporary Employee Housing", the Planning Commission has spent significant time reviewing the standards and is familiar with the issues. In addition, staff feels this housing application is in the overall best interest of the County. To this end, staff recommends that the Board move forward with a motion on this item during the scheduled public hearing.

SITE DESCRIPTION

The proposed site is to be located on a 17,013 acre parcel owned by Chevron USA Inc. The primary use of this land is currently grazing and natural gas extraction operations. The site is very remote as it is 2 ½ hours (55.5 miles) by car from Rifle and approximately 15 miles "as the crow flies" North West from Parachute. There are no roads which connect this site to the Town of Parachute, which makes the City of Rifle the nearest municipality.

ZONING & ADJACENT USES

The subject property is zoned Resource Lands - Plateau (RL). The type of use requested falls under the definition of "Temporary Employee Housing" which are contemplated as special uses in the RL zone district. As this site is very remote and the parcel is large (17,013 acres), the only adjacent use is grazing at this time. (See above Zoning Map on Page 5)

STAFF RECOMMENDATION

Due to 1) the limited nature of potential impacts to surrounding properties, 2) by proceeding with this proposal there will be an overall decrease in traffic on unimproved roadways and county roads which will promote safety and wellbeing, 3) the fact that the site itself will be situated on an existing well pad with an active gas operation, 4) and that the Temporary Employee Housing facility meets the requirements set forth in Section 5.02.21, Staff recommends the Board approve the request for a Special Use Permit for Temporary Employee Housing on in the Resource Lands – Plateau (RL) zone district with the following conditions:

11. 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.
12. 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. 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.

4. 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.

5. 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.

6. If applicable, 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 Temporary Employee

Housing site prior to the issuance of a Special Use Permit. If the COGCC does not require reclamation and revegetation bonding, the applicant shall work with County Staff to establish a bond appropriate to guarantee reclamation and revegetation of the Temporary Employee Housing facility.

7. All Special Use Permits for Temporary Employee Housing is subject to all applicable building code, state and federal permit requirements, fire protection district requirements and fire code requirements.
8. Water and wastewater systems proposed to service temporary employee housing must comply with all applicable state and local laws and regulations.
9. Applicants must keep appropriate records, to be provided to the County upon request to demonstrate that water supplied to a site is from an approved source and that wastewater is disposed at an approved facility. For facilities serving twenty-four (24) people or less, the operator must conduct monthly tests (or quarterly if an on-site disinfection system is installed) and maintain records of stored potable water samples specific for coli form. Any tests indicating coli form contamination must be disclosed to the Garfield County Board of Health or designee.
10. In no case shall unsafe water be used for drinking nor shall raw sewage or used water be discharged on the ground surface.
11. The maximum allowable time length of the Special Use Permit for Temporary Employee Housing is one (1) year. For good cause shown, the permit may be renewed annually in a public meeting with notice by agenda only. Annual renewal review shall be based on the standards herein as well as all conditions of the permit. A permit may be revoked anytime through a public hearing called up by staff or the Board of County Commissioners.
12. Inhabitants of the temporary housing shall be applicant's employees and/or subcontractors, working on the related construction or mineral extraction operation, and not dependents of employees, guests or other family members.
13. Temporary employee housing sites shall be maintained in a clean, safe and sanitary condition, free of weeds and refuse. Any hazardous or noxious materials that must be stored on site for operational or security reasons must be managed in accordance with all applicable federal, state and local laws and regulations.
14. Fire Protection General Requirements: Provisions shall be made for giving alarm in case of fire. It shall be the responsibility of the duly authorized attendant or caretaker to inform all employees about means for summoning fire apparatus, sheriff's office and resident employees. All fires are subject to §307 of the 2003 International Fire Code (IFC) including but not limited to permits, attendance, open fires, coal grills, fire bans and bon fires. One (1) or more approved extinguishers of a type suitable for flammable liquid or electrical fires (Class A, Class B and Class C), carbon dioxide or dry chemical, shall be located in an open station so that it will not be necessary to travel more than one hundred (100) feet to reach the nearest extinguisher.
15. Outdoor food storage is prohibited unless facilities that prevent the attraction of animals to the temporary employee housing site are provided.
16. The applicant shall provide a detailed map and GPS coordinates to the Garfield County Sheriff's Office and the relevant Fire Protection District which is sufficient for emergency response purposes, including location of the temporary employee housing site; private and public roadways accessing the site, marked as open, gated and/or locked; and detailed directions to the site from a major public right-of-way. The map is subject to approval by the Garfield County Sheriff's Office and relevant Fire Protection District.
17. If a Special Use Permit for Temporary Employee Housing is granted, the applicant shall notify the County when site development begins. The applicant shall verify in writing, by site plan and through photo documentation that the site, water system, and sewage disposal system were designed, installed and inspected in accordance with the said special use permit and comply with all applicable regulations, permits, and conditions. All written documentation and site plans verifying compliance must be stamped by a certified Colorado Engineer. The County also reserves the right to inspect a site, without notice, to assess compliance with the Special Use Permit for Temporary Employee Housing. A determination of noncompliance with any Special Use Permit for Temporary Employee Housing, or condition approval thereof, is grounds for revocation or suspension of said permit, in accordance with Section §9.01.06.
18. No animals shall be allowed at temporary employee housing sites.
19. The maximum number of occupants permitted under this Special Use Permit for Temporary Employee Housing is twenty-four (24).

Applicant: Phil Vaughan presented.
David went through the application and Phil stressed the remoteness and sanitation issues on this site. PTI will be doing all the cooking and cleaning on the site. They agree with all the staff recommendations and potable water will be brought in from Meeker about 25 miles away.
Phil explained the pit; the hole in the ground is the reserve pit.
Mildred requested that all vehicles for subcontractors be licensed in Colorado and notify her office with copies of the vehicles. Colorado sells apportioned plates. This covers the time they are on Colorado Highways.
Commissioner Houpt – inspection for compliance without notice – David said it was No. 17.
Carolyn noticed in David's report that it was pointed out that your proposed water hauler is not licensed.
Phil – no license number and said they will have a Colorado licensed water hauler.
Carolyn – assume it is easy for Phil to provide an updated site plan so we can match it with your testimony today.
Phil said it would not require an updated ISDS system because all the water usage will remain the same.
David – one additional question – because the additional unit is separated off, wanted to clarify that all units will be on the approved APD.
Phil – what you will find this is a professional operation, safe and sanitary place for employees. Williams has given me explicit instructions and has followed through on that particular issue and this is not a fraternity house and it's not an RV setting off somewhere, this will be done correctly. When the building department does receive our drawings for the modulars they will all be under the IBC 2003, fire alarm plans involved and IFC and NFB 13 requirements so you will find appropriate snow loads, wind loads and code requirements.

Commissioner McCown stated he was comfortable with the one year review and the ability to visit the site at any given time if necessary to inspect.

Commissioner Houpt added that this is new and we did find problems with the first one and people will be watching very closely.

A motion was made by Commissioner McCown 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 a Temporary Employee Housing for Chevron USA Inc. with the conditions 1-19 alluded by staff.

David said we did one more condition for the updated site plan.

Commissioner McCown make that No. 20 and covered by testimony.

In favor: Houpt – aye McCown – aye Martin - aye

CONSIDER A SPECIAL USE PERMIT FOR A SATELLITE WATER GATHERING FACILITY LOCATED 4 MILES SOUTH OF THE CITY OF RIFLE AND 1.75 MILES WEST OF COUNTY ROAD 319. THE PROJECT INCLUDES AN ASSOCIATED 13,367' OF 4" PIPELINE TO AN ESTABLISHED BENZEL WATER STORAGE AND EVAPORATION FACILITY. APPLICANT: ENCANA OIL AND GAS USA, INC. DAVID PESNICHAK

David Pesnichak, Jimmy Smith from Wagon Wheel Consulting and Carolyn Dahlgren 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.

The property is owned by Mr. and Mrs. Swartz.

Chairman Martin swore in the speakers.

David 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 –Staff Memorandum; Exhibit E – Application; Exhibit F –Memo from the County Road and Bridge Department dated 10-09-2006; Exhibit G – Memo from the County Vegetation Management, Steve Anthony dated 10-26-2006. Chairman Martin entered Exhibits A – G into the record.

DESCRIPTION OF THE PROPOSAL

The Building and Planning Department received a Special Use Permit (SUP) application for "Processing and Material Handling of Natural Resource" for a Satellite Water Gathering Facility on property owned by Encana Oil & Gas USA, Inc located on a 3 acre property four miles south of the Town of Rifle and 1.75 miles west of Garfield County Road 319. The proposed facility will be installed in the Grass Mesa area on the existing M34 well pad in Section 34, Township 6 South, and Range 93 West.

More specifically, the Applicant, represented by Wagon Wheel Consulting, requests approval for one (1) 400 barrel steel tank where trucks can bring produced water from nearby gas wells. Piping will be installed to carry the produced water to an existing four (4) inch steel pipeline which terminates at the Benzel Water Storage and Evaporation Facility. The piping from the storage tank to the Benzel Water Storage and Evaporation Facility will be completely gravity fed and will not require any pumps. Any hydrocarbons contained in the water will be separated at the Benzel Storage and Evaporation Facility. This unmanned facility is expected to operate seven days per week, 365 days per year. However, deliveries will be restricted to day light hours. Since this facility is unmanned, no sewer, potable water or lighting will be necessary for this project.

Associated Pipelines

The applicant proposes to construct approximately 13,367 feet of 4" steel pipeline to connect the produced water gathering facility with the Benzel #2 Disposal Facility located in Section 26, Township 6S, Range 93W. The proposed pipeline would tie into an existing 7,145 foot pipeline to finish the connection between the water gathering facility on pad M34 and the Benzel #2 Disposal Facility. In accordance with section 9.07.02 of the Zoning Resolution of 1978 as amended, since the proposed pipeline is less than 4" in diameter and less than five (5) miles in length, it is not required to obtain a Development Review Permit.

BACKGROUND

Referral to Planning Commission

As an oversight from the recent staff turnover in the department, this application was inadvertently scheduled for a public hearing before the BOCC without first getting the board's direction on referring the application to the Planning Commission. At the board's discretion, this application may still be referred to the Planning Commission for their recommendation. However, staff feels that this application is simple, straight forward and in the overall best interest of the county as well as neighboring land owners. To this end, staff recommends that the board move forward with a motion on this item during the scheduled public hearing.

SITE DESCRIPTION

The proposed site where the water gathering facility is proposed to be located is situated on a relatively flat dry area just south of Rifle. The well pad is located on approximately 3 acres owned by Encana. The area where the water gathering facility is to be located is surrounded by fairly steep slopes going up in elevation to the southwest and down in elevation to the north and east toward Rifle.

Overall, the installation of this facility will result in fewer vehicle miles traveled on county and private roads.

The proposed use is to handle only already produced water from surrounding natural gas wells. No anticipated depletion or pollution of surface run-off, stream flow or groundwater is expected. However, as the water being used at this facility will contain hydrocarbons, a spill could have dangerous consequences. The spill prevention plan that has been submitted is general and not specific to the site. Staff recommends that the applicant supply a site specific spill containment plan prior to the issuance of the Special Use Permit.

The applicant is proposing to store the produced water within an "enclosed, steel tank and will then be gravity transferred through an existing, buried, pipeline; therefore no vapor emissions are anticipated."

The applicant is proposing to follow the Grass Mesa Homeowners Association rules regarding Magnesium Chloride on the roads to mitigate dust.

Since the water will be gravity fed to the Benzel Processing Facility, smoke, with the exception of the trucks dropping water off, is not expected to be an issue. Although there will be an overall reduction of vehicle traffic miles, this facility will create some noise, smoke and vibration occurring with these vehicles. However, since this traffic already exists in the area, an overall reduction in noise, smoke and vibration is expected.

The applicant is proposing to paint the tank and associated equipment to blend with the environment which will help minimize visual impacts. No other visual or glare reducing mechanisms are proposed.

Since the water gathering facility is located on an existing well pad, the overall land impact will be minimal. Although the surrounding homes are within visual range of this well pad, they are at a significant distance that this added facility is not expected to impact the neighboring properties adversely.

The application includes a reclamation plan that is not site specific, but EnCana's standard reclamation procedures. The plan appears to be geared more toward the restoration of rights-of-way and federal lands. The plan submitted does not contemplate removal of the equipment or the pipeline, but does address company responsibility, seedbeds, rock disposal, compaction, topsoil restoration, erosion control and weed control in a general context.

The comments from Steve Anthony, Vegetation Manager, suggest that an inventory and mapping of noxious weeds is not necessary since the facility is to be located on an existing well pad. In addition, he recommends that a security of $10,000 be provided for revegetation of a 3-acre disturbance area in 5-10 years.

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."*

STAFF RECOMMENDATION

Due to 1) the limited nature of potential impacts to surrounding properties, 2) by proceeding with this proposal there will be an overall decrease in truck traffic on nearby public and private roadways, 3) the fact that the site itself will be situated on an existing well pad with an active gas operation, 4) and that the unmanned facility will not create any noise, vibration, dust or exhaust over and above the impacts of vehicles disposing of the produced water into the gathering tank and associated pipeline, Staff recommends the Board approve the request for a Special Use Permit for Processing and Material Handling of Natural Resources for a Satellite Water Gathering Facility on Grass Mesa 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.
    a. The Applicant shall provide a timetable and method of disposal for the removal of all installed tanks, associated pipelines and equipment.
    b. The Applicant shall provide Garfield County with a $10,000 revegetation security for the 3 acre parcel based on a 5-10 year timeframe. 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.
5. Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes at the time any new application is made.
6. *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.*
7. 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.
8. *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.

9. 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.
10. If applicable, 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 Satellite Water Gathering Facility site once the life of the Satellite Water Gathering Facility and Pipelines has ended prior to the issuance of a Special Use Permit. If the COGCC does not require reclamation and revegetation bonding, the applicant shall work with County Staff to establish a bond appropriate to guarantee reclamation and revegetation of the Satellite Water Gathering Facility.

a. 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.
b. The applicant shall submit a site specific spill containment plan which will demonstrate how any spilled fluids up to the maximum amount of fluids held on the site will be contained to prevent contamination of both surface and ground water prior to the issuance of a Special Use Permit.

Applicant: Jimmy Smith clarified some of Commissioner Houpt's question regarding traffic impacts. The benefits are that a pipeline is already in place and proposes to put a liner in – pipelines have been abandoned for the last 3 – 5 years. The same water is hauled for a shorter distance and there is a potential of leaving the trucks on site, otherwise a truck would be required to travel from Rifle.

Commissioner Houpt – 3 trucks.

Jimmy – 3 trucks but reduced mileage. This is surplus water and 900 to 1400 barrels per day and there may only be three trucks hauling water. The impact for Grass Mesa residents will not be lessened. On an average day three truck trips would be the normal, but occasionally there is – page 6 of the staff report. The decrease will be in mileage. Trucks will be located on the hill and haul water to this facility so the volume of trips is not going to change, it's the distance. This is a buried pipeline.

Commissioner Houpt – sensitive to hours and the school bus routes.

Jimmy – the activity on Grass Mesa has slowed down and the access is through BLM land and no school bus impacts.

Jimmy this is to limit the cost to the owners and to reduce the truck traffic impacts.

Summation – this is the first of several projects of this type of facility. They will be separated out and will come back in separate packages.

Mildred – asked for the vehicle licenses of all workers.

Public Commetns:

Mr. Suartz – owner of Lot 44 – plans.

Jimmy – use of the tanks already on site and if not adequate, the permit would be add an additional tank. No additional land would be required.

Carolyn – he is the applicant and the operator has a lease agreement. A lot of these questions should be dealt with the company and Mr. Suartz.

Jimmy has no knowledge of the lease agreement other than what was supplied to him.

Mr. Suartz – when purchased a letter was drawn with the previous owner.

Carolyn – there is a process problem here. If the current landowners have not given permission for the additional tank.

Short letter was provided – exhibit per Carolyn. Meskin.

Notice may be imperfect since Mr. Suartz; Armstrong was the previous property owner.

Applicant needs to give the agreement and there may be leases in place.

The Suartz agreement had the wrong agreement number and a resubmittal to the Swartz – need to know that in the agreement.

A lot of confusion and needs clarification. Stan Hayden.

The questions is does the applicant wants to go forward.

Mr. Suartz needs to understand what the plans are and the impacts since he is the landowner.

Carolyn – current property owner needs to give permission.

Jimmy – the facility is on Lot 41 and 42.

Stop the testimony and continue this.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to discontinue this hearing and request that the applicants finalize their understanding and agreements and put another application together for this project with a letter of authorization to act in their names once you agree upon the situation that you understand.

In favor: Houpt – aye McCown – aye Martin - aye

CONSIDER A PRELIMINARY PLAN APPLICATION FOR PANORAMA RESERVE SUBDIVISION. APPLICANT: CORT LEWIS – FRED JARMAN

Fred Jarman, Carolyn Dahlgren, Mary Louise Geiger, Attorney and Cort Lewis were present.

Commissioner Houpt – the attorney for the applicant is an employee and attorney and recused herself from this application. Mary Louis Geiger with Caloia, Houpt and Hamilton.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate.

Accept the hearsay about the posting and a faxed waiver of service for proof of mailing less than 30 days but a statement of recent purchase and waived objection dated November 30, 2006.

The Board felt comfortable with the exceptions.

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 - Application materials; Exhibit F – Staff memorandum; Exhibit G – Memo from the County

Vegetation manager dated 8-11-2006; Exhibit H – Letter from Mt. Cross Engineering dated 8-16-2006; Exhibit I – Letter from DWR dated 7-31-2006; Exhibit J – Email from the County Road and Bridge Department dated 2-27-2006; Exhibit K – Letter from Theodora Hill and Elizabeth Penfield received 9-12-2006; Exhibit L – Letter from Pitkin County Title dated 9-7-2006; Exhibit M – Letter from the DWR dated 10-26-2006; Exhibit N – Amended Well Permit $91-58; Exhibit O – Letter from CGS dated 9-24-2006; Exhibit P – Letter from Red Mountain Civil dated 9-25-2006; Exhibit Q – Letter from Red Mountain Civil (#2) dated 9-25-2006; Exhibit R – Revised Draft CCRs; and Exhibit S – Letter from Mountain Cross Engineering dated 11-21-2006. Exhibit Chairman Martin entered Exhibits A – S into the record.

GENERAL PROJECT INFORMATION

The subject property is generally located in the Missouri Heights area. The parent parcel is 46.069 acres. The proposal is for 3 lots, the sizes of the lots are 8.123, 10.00, and 27.946 acres. The lots will share a well for domestic water. Individual sewage disposal systems are proposed for each of the lots. Access is being proposed from one central private drive from Panorama Drive for Lots 'A' and 'B' and a private drive off of Panorama Drive for Lot 'C'. Lots 'A' and 'B' have a platted building envelope for a residence and one agricultural building. Lot 'C' has two building envelopes; one for a residence and the other for an agricultural building. The three lots will share a well and each will have individual sewage disposal systems designed for the house constructed on the site. Electricity will be brought to the subdivision and LP gas tanks will be buried on each lot.

Staff Findings: The application did not originally include a geotechnical study prepared by a professional engineer. A report from HP Geotech was received by the Planning Department on September 1, 2006. This report was forwarded to the State Geologic Survey for their review, but staff did not get any comments back until after the Planning Commission meeting.

The application did include, as required, a copy of the soils information provided by the National Resource Conservation Service. The majority of the site is identified as Morval-Tridell complex, 12 to 50 percent slopes. According to the NRCS publication on soils, these soils are poorly suited for home site development, due primarily to large stones and slope.

The HP Geotech report states that the site is not impacted by geologic hazards such as rockfall, debris flow, and high ground water or slope instability. They do note that the area is underlain by Eagle Valley Evaporite, which under certain circumstances can result in the creation of sink holes. No sink holes were observed on the property. HP Geotech does make recommendations regarding the need to have site specific percolation testing done for evaluation of geotechnical design parameters. The applicant has included a requirement for engineered foundations and ISDS in the covenants. This should also be a plat note.

The Colorado Geological Survey reviewed the HP Geotech report and visited the site. It was noted that the primary geologic conditions likely to affect development related to surface drainage, erosion, potentially shallow bedrock, sinkhole potential and slope considerations. Regional conditions such radon, seismicity and water availability may also affect development on the property. CGS suggested the following considerations be incorporated into any approval:

1. Due to the underlying evaporate bedrock; sinkhole potential needs to be addressed by making sure that surface drainage is routed away from any proposed structure and that foundation plans incorporate perimeter drains to ensure adequate drainage away from permanent foundation elements.
2. There needs to be a plat note stating that any sinkhole repairs made on the site requires a professional geologist or civil engineer, experienced in sinkhole mitigation techniques to oversee and document the work.
3. Site grading needs to be designed with consideration for increased erosion potential due to changes in stormwater runoff and surface flows.
4. A plat note and covenant requiring that all foundation design be done after a detailed, lot specific geotechnical study has been conducted on the site by a qualified geotechnical or civil engineer.

The submitted list 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. It would also be appropriate to require bear proof trash cans for all houses.

Staff Findings: An amended Drainage Plan was submitted for the applicants by Rick L. Barth, P.E., Red Mountain Civil, Inc., dated September 25, 2006. The original application proposed that each lot will be responsible for their own drainage and controls, and included a requirement in the covenants. Chris Hale, Mountain Cross Engineering, Inc., noted that while he understands the intent, the County in the past has always required the applicant for subdivision approval is responsible for installing any necessary drainage improvements as a part of their subdivision improvement obligations. The amended drainage plan analyzed the potential development area of 3 acres within the site and concluded that there is a need for a 700 cubic foot storage area. The storage areas will be shallow surface ponds located on each lot, with the equivalent to a typical dry well in the base to accelerate the infiltration of the storm water.

It is staff's opinion that the proposal in the application does meet Section 4:80, which requires an engineer registered in the State of Colorado to depict in written or graphic form the "design of drainage facilities to prevent storm waters in excess of historic run-off from entering, damaging or being carried by existing drainage facilities, and to prevent major damage or flooding of residences in a one hundred (100) year storm, showing: 1. area subject to inundation ; and 2. location and size of proposed culverts, bridges, ditches and channels." The proposed solution by the applicant's engineer is consistent with interpretations of this language.

Staff Findings: Domestic Potable water will be provided by an exempt domestic well, permit # 91058. The well is to be located on Lot A will be shared equally by all three lots, with a 1,000 gallon buried storage tank located on Lot C.

It is proposed to create easements from the well to each lot. Subdivision Regulations §9:53states that "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." It appears that the applicant

is only proposing to create the easements with no water lines built or fire hydrant or blow-off valves for the dead end lines. Staff finds this is not a looped proposal or properly designed dead end system and does not meet the County requirements.

A 4 hour pump test was conducted by Samuelson Pump Company on 4/26/2006. The rate of 20 GPM was maintained throughout the 4 hour test. The maximum drawdown was approximately 2.5 ft, with full recovery in 8 minutes. Physically, the well will be able to provide enough water for the three lots. No water quality samples were collected for the test, thus there is no information in terms of water quality. Typically, the minimum samples will be submitted testing for bacteria, nitrates and suspended solids.

There is no discussion of irrigation water for the property owners in the original application. It appears that the applicant owns irrigation rights from the Missouri Heights-Mountain Meadows Irrigation Company. In subsequent correspondence from the applicant's attorney, it was noted that the preference was to allow homeowners to use the well for up to one (1) acre of irrigation. Section 9:51 requires "an adequate potable and irrigation water supply …" to be available to each lot in the subdivision. If the State does not approve the use of the well for outside irrigation, the applicant will have to transfer all irrigation water rights to the homeowners association and provide a management and use plan for the irrigation water rights in the covenants.

Staff Findings: Wastewater treatment is proposed to serve each lot through the use of an individual sewer disposal system ISDS. There were no percolation tests performed on the property. The NRCS soils charts, indicate that he Morval-Tridell soils have severe constraints due to slope. ISDS are not allowed on slopes over 30% slopes.

The applicants are proposing the ISDS be installed by each owner based on a design done by a professional engineer. Included in the additional information submitted after the Planning Commission meeting is a suggested ISDS maintenance plan that has the following elements:

1. Septic tanks will be inspected, cleaned and pumped at a minimum of every two years.
2. Disposal fields of any kind inspected every 6 months.
3. Disposal mechanisms such as pumps or dosing siphons inspected every 6 months.

This ISDS maintenance agreement/plan needs to be included in the protective covenants, with provisions for homeowners to pay a portion of any annual dues to cover the inspection requirements by a qualified professional hired by the HOA.

Staff Findings: The Proposed subdivision is within the Carbondale Fire District boundaries. There is no discussion of fire protection water in the application. The covenants do include requirements for vegetation removal, fire apparatus road design and posting addressing. The Fire District provided verbal comments, noting that there are fire hydrants on the periphery of the property that should provide fire protection water. The applicant's engineer contacted the Fire District after the Planning Commission meeting and after discussion, agreed to increase the size of the water tank to 2000 gallons and provide a standard PVC fill connector to allow the fire department to fill their tanks in a fire emergency.

The Carbondale Fire protection district has an impact fee of $437/d.u. for new development that has to be paid prior to Final Plat approval.

Staff Findings: The access to the subdivision will come from a main entrance off of Panorama Drive. A 30 ft. wide easement for an internal dead end public road is proposed to provide access to two of the lots. Subsequent to the Planning Commission meeting the applicant's engineer provide plan and profile for a 12 ft. wide, Primitive Residential road, meeting the County Subdivision Road Standards. The third lot will be served by a driveway directly. This road is configured to go through the property to provide access to another property. To the best of staff's knowledge, there is no alternate access on the adjoining property. As it exists, the road far exceeds the 600 ft. maximum allowed by Section 9:33 of the Subdivision Regulations. A longer road can be approved by the Board for topographical reasons and having fire protection and emergency egress and access is provided.

Using the ITT Trip Generation manual, 2 residential lots will generate approximately 19.14 trips at 9.57 trips per dwelling which requires the internal road be designed to the "Primitive Residential" standard pursuant to Section 9:35 of the Subdivision Regulations. This road type requires a 30-foot right-of-way, a 12 foot driving lane, 3-foot ditch widths, and a gravel driving surface. It is not clear that the proposed internal road has been designed to this standard. In addition to designing the road to meet this standard, staff would suggest that if a longer design is approved, that a hammerhead turn around, with a minimum 50' turning radius be a part of the design for the subdivision. Dedication to the public of this internal road will be required. Maintenance however, will be the responsibility of the Homeowners Association, as proposed in the protective covenants.

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 11, which requires a $384.00 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 $11,000 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. An appraisal no more than two years old of the unimproved value of the property will need to be submitted to determine

the per acre value of the property. 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:

Unimproved per acre market value of land x Land Dedication Standard x # of units = Cash-in-lieu
Note: the Land Dedication Standard for single family homes is 870 sq. ft. per unit or .020 acres

STAFF RECOMENDATION

The Planning Commission recommended approval to the Board of County Commissioners, with the following conditions:

1. That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners and Planning Commission, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
2. The applicant shall place the following plat notes on the final plat and in protective covenants:
    g. "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."
    h. "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. 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."
    i. "All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."
    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. "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."
    l. "All building foundations and individual sewage disposal systems will be designed by professional engineer registered in the State of Colorado."
3. The applicants shall create an unincorporated Homeowners Association.
4. A covenant shall be added, requiring that any trash cans be "bear proof".
5. Submit a complete water quality analysis with the minimum samples being submitted testing for bacteria, nitrates and suspended solids prior to the Board of County Commissioners public hearing. These have come in and the applicant has those.
6. The applicants shall create an ISDS Maintenance Plan in the covenants prior to the Board of County Commissioners public hearing. This was provided.
   Note: The additional information submitted subsequent to the Planning Commission recommendation includes a proposed ISDS maintenance plan. A new condition of approval needs to be added that states: An ISDS maintenance agreement/plan will be included in the protective covenants, with provisions for homeowners to pay a portion of the annual dues to cover the inspection requirements of the plan, by a qualified professional hired by the HOA.
7. The applicant shall make a cash payment in-lieu of dedicating land to the RE-1 School District in the amount and at the time as set forth in the Garfield County Regulations
8. The applicant shall pay the Carbondale Fire Protection district impact fee of $437/dwelling unit prior to Final Plat approval.
9. The applicants shall pay the applicable traffic impact fee in the amount and at the time as set for in the Garfield County Regulations
10. The road shall be a public road and 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
11. Any recommendations from the State Geological Survey will be incorporated into any conditions of approval made by the Board of County Commissioners.
13. If the State does not approve the use of the well for outside irrigation, the applicant will have to transfer all irrigation water rights to the homeowners association and provide a management and use plan for the irrigation water rights in the covenants. Strike
14. Prior to the final public hearing before the Board of County Commissioners, the applicant's engineer shall provide a revised drainage plan that includes the appropriately sized water retention structures on the property.
    Note: A revised drainage plan was included in the new information submitted after the Planning Commission meeting that was acceptable. The condition of approval should now state: The detention structures will be built by the applicant and included in the Subdivision Improvements Agreement at Final Plat.
15. Prior to the Board of County Commissioners public hearing, the applicant will submit a road plan and profile for the internal road meeting the Primitive Residential standards contained in Section 9:35 of the Garfield County Subdivision Regulations. This has been accomplished. Strike

Note: A road plan was submitted for a Primitive Residential road serving two dwellings. The condition of approval has been met.

16. 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.

Carolyn – issue at preliminary plan was whether or not permission was given by the other subdivision for this new subdivision to use their fire hydrants.

Applicant: - it was requested that we look at the fire water with respect to what Cort would have to do in developing the property and Mark mentioned in the planning meeting that it was the district's preference that they would use the hydrants in the neighboring subdivision property because under pressure they can fill the trucks quicker, etc. however in phone conservations with Phil, we discussed is there a reason to upsize the tank and we came up with the 2000 gallon tank is that their trucks hold 1500 – 1800 gallons. The counter to that is I wanted to keep that tank as small as reasonable because with only three homes you want a decent amount of water turnover so you avoid stagnation in your tank. I do not have in writing as Fred mentioned from Bill that this is what he has relayed but that is the recollection of my phone conservation of a 2000 gallon tank with the appropriate fire connections to draw out of that tank and fill their truck is satisfactory to him. For use of those hydrants, it is something that would have to be three ways between Bill Gavette and Cort or the HOA but do not have this settled by the two subdivision and he doesn't have it in writing.

Applicant: On the water services – some confusion – our intent is to have a buried tank with prepped for installation of individual pumps for each home. Establish easements but not install the lines at this time. Our intent is installation of the pumps and have the homeowners take charge at the time of building permit.

Mary can provide the staff with the water quality report. It is not a looped system.

Public Comments: Joe Beatty and Trish Duncard –we are adjacent neighbor in Panorama Ranches –some issues to alert the Commissioners to – one is the issue of water and the Commissioners should be aware that allowing 3 homes off this existing well is a change in State Law or a variation from State Law and this has a potentially significant planning effect in the County if not throughout the whole state. Normally allowing three homes to use an exempt well, there needs to be an augmentation process in place. Panorama Ranches was required to do this in order to have outside watering and in fact had to acquire or lease water rights from Teller Creek Drainage in order to allow that to proceed. The State determined the water drainage impact is on Cattle Creek rather than the Roaring Fork River. Made it clear that on the fire hydrant issues the fire hydrant in Panorama Subdivision are part of a private water system and no approval from the HOA for use of the hydrants for fire protection for this property and would anticipate there would be no such approval coming. DOW did not comment but this is a significant area for wintering of a major Elk herd and they spent a significant amount of time all over this property in the winter. In terms of the vegetation on the property it is very fragile vegetation. Final issue is in terms of the position of homes in the subdivision and there was some discussion at the planning commission stage in relation to this and they indicated housing envelopes were most of the lots. We would request that there be some consideration given or a requirement or a condition that any housing that is developed do not go over the ridge line of the ridge in the back of the property effectively and any housing maintains the roof line below the top of that ridge line so as it would not impair views of any neighboring home in Panorama.

Mary responded to the exempt well issue saying this means that as long as the uses stay within the limitation on the permit and the permit limitations are using 3 homes, livestock watering and outside irrigation up to one acre so our intent is to limit irrigation on each lot to 1/3 of an acre for lawn and garden. We're going to have to look into the use of the hydrants on Panorama Mountain Subdivision.

Commissioner McCown – was the fire protection plan with the 2000 gallon storage tank, did that meet the criteria for the plan for the Carbondale Fire District and the ability to fill their trucks at Panorama was just a significant bonus or was this designed with both factors in mind?

My conservation with Bill Gavette is just the other way around, his preference is the pressurized hydrants in the neighboring subdivision and the tank is a bonus.

Commissioner McCown – if there is no permission granted from the adjoining subdivision then sprinklers would be the answer to look at in the homes and we could do that with a condition of approval because it would take a lesser amount of water to put out those fires.

Applicant: not sure how this would impact wildfire, how Bill works that into his through process.

Commissioner McCown – we're dealing with an unknown of the fact of the authority of the fire department to hook into private water sources in case of emergency and I don't think they need permission to do that.

Carolyn – comment on the potable water system, our own contract engineer said it was okay but this is real subdivision and not an exemption so if the Commissioners are going to allow a subdivision to not meet our Section 9-50- loop and blow off system regulations then I would ask that you specifically address that n your motion. Surprised that is wasn't an approved system and not a condition of approval.

Commissioner McCown – did this involve a previous lot split why it was not an exemption in the first place?

Fred didn't know. That was pursued however.

Mary – this was underway when she came into this.

Fred didn't have the title history to explain why this wasn't an SB35 exemption.

Joe Beatty - This was originally a 120 acre lot and then it was split and the applicant purchased one of those lots and it's a split off of that.

Mary – follow up – the adjoining property owner utilized this easement that bi-sects this property and those may have been under the same ownership at one point.

Fred - Monument Ridge down by Battlement Mesa utilized a similar water system that was not technically looped with their proposal.

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 the Preliminary application for the Panorama Reserve Subdivision with the conditions proposed by staff 1 – 11 as noted eliminating No. 5 and inserting into what would not be No. 11 that we waive the normal potable water requirements for subdivision as far as a looping system and other physical technical aspects that are often requirement for a full subdivision development and also eliminating what is now No. 15 and renumbering all of these to the these appropriate numbers.

Amended motion – Commissioner McCown – wanted to and discuss it in the open meeting and forgot to insert in No. 15 the fact that the given lack of an agreement with the adjoining subdivision to provide adequate fire water and include the need for all of the homes to be sprinkled in the subdivision and the 2,000 gallon water tank which was alluded to in testimony, I don't think appears in any of these conditions but it was testified to by the applicant. Chairman Martin amended his second.

In favor: McCown – aye Martin – aye Houpt – abstained

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

DECEMBER 11, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 11, 2006 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

- ***Renewal of Professional Services Contract for Providing Engineering & Environmental Services at the West Garfield County Landfill – Marvin Stephens***

Tim Arnett, Kraig Kuberry and Marvin Stephens were present.

This renewal will start January 1, 2007 and run through December 31, 2007 the 2007 not to exceed price of $38,118.24 is requested. The scope hasn't changed but the contract has an increase of 3%.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve consulting contract renewal to Robert J. Peterson, for professional services for a not to exceed price of $38,118.24.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Purchase Bulk Fuels for 2007 – Marvin Stephens***

Tim Arnett and Marvin Stephens were present.

The recommended award is to Western Petroleum for a total of $57,611.28 for 2007 for purchase of bulk fuels. They are hopeful to add a tank to the Glenwood Springs shop this year.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the purchase of bulk fuels for 2007 for a total price of $57,611.28 to Western Petroleum.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Award a Professional Services Agreement to Correctional Healthcare Management, Inc. for providing inmates with medical, dental and mental health services for 2007 for a not to exceed price of $774,288.00 – Lou Vallario***

Don DeFord, Christina Capote, Lou Vallario and Tim Arnett were present. The evaluation team recommends the award go to Correctional Healthcare Management for a not to exceed price of $774,288.00.

Lou added that an RFP was sent out and the current carrier was the lower bid. Lou prefers contracting the service out.

Don said there were some changes, the control of documents primarily.

Christina stated the concerns of their attorney were on page 6 item (6) of the contract that their attorney is concerned about.

Don said it broadens the risk beyond today and gave an example if they decided to walk away and not honor the contract, then the direct damages would be to have to bring someone in to cover the services and the consequential damages would be for a prisoner to claim they didn't receive services during the interim.

Commissioner Houpt felt it was necessary to have this type of security.

Ed asked if their insurance carrier covered the consequential damages.

Don stated that most do cover that. Several examples were explored and discussed. Don said they are only liable for negligible acts.

Christina said it wasn't a deal breaker but if they could limit it to inmate services they would be okay.

Don reiterated this was a potential area of risk.

Commissioner McCown felt we still need this in the contract.

Termination for convenience would like totally eliminated and time has been invested in this new contract and didn't like the termination for convenience, as they would lose their investment of time and equipment. They would prefer to have termination for cause.

Don said this language was in all of the contracts and if the BOCC needed to terminate the contract. This would require BOCC authority. Don reiterated this is a purchase of services contract and there is not a large investment of equipment.

Commissioner Houpt didn't have a problem taking this language out of the contract.

Clarification was needed and the Board requested an Executive Session to obtain legal advice.

Executive Session – Litigation issue and contract language

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

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the award go to Correctional Healthcare Management for a not to exceed price of $774,288.00 and contract would stand as written and the capital buy-out of additional equipment for the mental health portion in an amount not to exceed $30,000.

Christina said the amount of $30,000 would cover the cost of equipment.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Renewal of as needed Architectural Services Contract – Tim Arnett***

Tim Arnett presented the recommended Board action for Architectural Services to Sopris Architecture for a not to exceed cost of $73,500.00 – this is the last year of renewal and next year it will go out for bid.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the renewal contract to Sopris Architecture for a not to exceed cost of $73,500.00.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Renewal of Ambient Air Screening Study for 2007 – Jim Rada***

Tim Arnett and Jim Rada were present.

Staff recommends renewal of the contract for 2007 for the amended price of $125,490.92.

Tim stated this contract jumped quite a bid from last year and it was attributed to the monitoring. The money being used for the extended contract is carry-over money and placed in the 2006 budget but no explanation for the carryover. In the course of 2007 we will carry on and do the community process and do the monitoring process regarding the 2-year study and continue the monitoring.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award the Colorado Mountain College the renewal contract for 2007 for the amended price of $125,490.92.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Renew Standard Agreement for Remediation Services for Rifle Shop 2007 – Randy Withee***

Randy Withee and Don DeFord were present.

The memo was in the Board's packet regarding the underground storage tanks. Randy reviewed the scope of services and said staff recommends the Board renew the professional services agreement with Terracon for a not to exceed amount of $67,000. Randy said the system is working and a report is projected soon. A phone conference with OPS and the concern in putting a building was to put some type of ventilation system to keep fumes from going into the new building. We're at the mercy of CDPHE to say when it is clean.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to renew the professional services agreement with Terracon for a not to exceed amount of $67,000.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Policy Revision 5.16 Political Activity – Mark Bell***

Mark Bell submitted the policy revisions for the Board's consideration and action.

Commissioner Houpt asked about paragraph 3, the exception of the County Clerk's office. Mark said this doesn't specifically have the Clerk's office in mind. Tresi read the statement into the record to clarify her question and asked what the exception means.

Mark gave the example of a banner on the vehicle.

Commissioner Houpt – questioned the policy.

Don – the facilities are the issue.

Ed agreed to take this sentence out.

Commissioner Houpt – except as noted in paragraph 4 is a concern but Mildred stated that what she does from her office is not considered political as far as voting. The Board agreed.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to adopt the policy 5.16 on political activity as presented by staff with the change discussed in paragraph 3 with the wording except as set forth in paragraph 4 at the policy.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Policy Revision 1.01 Policy Application, Interpretation and Revisions – Mark Bell***

Mark Bell presented the Section 1.01 revision and submitted for the Board's review and action.

The allows management to put employees on call and other requests.

Carolyn stated that job descriptions and Fair Labor Standards protect the employee for unreasonable requests. It allows the office to have their own work rules as long as they are not inconsistent with the Board's rules.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to adopt the Policy Revisions 1.01 Policy Application, Interpretation and Revisions.

In favor: Houpt – aye McCown – aye Martin - aye

- ***CCOERA 401(a) Provision Election – Mark Bell***

Mark Bell said the next item is pursuant to a previous motion I believe that the Board passed that mandated that employees with over 10 years of experience would be contributing 6% of their salary to the retirement plan and that the employer would correspondedly match it. Consequently to implement this it requires a letter of an agreement which is before you that would be signed by the Chair of the Commission and be transmitted to the retirement CCOERA.

Chairman Matain – that's the election we requested and those are the three originals that need to be signed.

Disucssion: none

Authorization to sign and send forward.
Commissioner McCown so moved. Commissioner Houpt seconded.
In favor: Houpt – aye McCown – aye Martin - aye

- ***Additional 2007 Budget Requests – Patsy Hernandez***

Patsy submitted the changes to the 2007 budget saying these requests for additional revenues and expenses were received following the 12-04-2006 BOCC meeting.
An additional spreadsheet was handed out in addition regarding the Library. During the meeting with the library it will no longer be a fund that resides with Garfield County and the revenues originally budgeted in the library fund were removed and reside as one expense item the same as – the library staff as of 1-1-2007 will no longer be employees of Garfield County.
Don commented on the Library issue – the fund will not exist but does by statute and solely resides with the Treasurer and under that it will be a direct contract with the Treasurer. The IGA will be back to the Board and are ready to proceed as a separate agreement.
Audit – Don - they have a separate audit, they are a separate entity similar to a special district and they are required and will be under their agreement with the Treasurer if they decide to directly administer their own funds, they are required to have an annual audit submitted to her to make sure those funds are appropriately spent on library expenses on a monthly basis they are informally required to submit an accounting to her of their expenditures for the previous month. There are some checks and balances still remain.
There's a separate Tabor question, the one just referred to was the one for the County to enter into a long term agreement, but Chairman Martin referred to its not clear that they have so called deBruced the way the County has in order to retain all revenue over a long period of time; their attorney is consulting with bond counsel to see where they are with this issue. Ed – in all respects they are responsible for their own insurance coverage, cost of insurance etc. Patsy said that on 01-01-2007 that the then be library staff they will have their health insurance coverage, short term and long term disability and there's not going to be any period of time that these library staff members will suffer no type of coverage.

COUNTY ATTORNEY UPDATE – DON DEFORD

- ***Ratification of 2006 Treasurer's Deposit agreement Laramie Energy, LLC. - Road and Bridge Permit (Revegetation)***

Carolyn Dahlgren submitted the agreement and direction was given for the $8,000 to put this in the budget. This was on the agenda and signatures were obtained before the Board saw the document. This is a pipeline security but they had asked to do a treasurer's deposit agreement rather than a bond or a letter of credit and under Road and Bridge regulations you have to approve any different kind of security. This is a ratification request of John's signature.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Treasurer's deposit agreement with Laramie Energy, LLC.
In favor: Houpt – aye McCown – aye Martin - aye
Executive Session – Direction on the letter agreements for Don and Ed; personnel issue in the County Attorney's office; the salary survey; prospective use of airport land for drilling purposes, Meadows, and proposal from the City on landowners, applicants for permission to drill
Mark Bell and Patsy were needed for the salary survey.
Action taken:
Salary Survey
No official vote was required and direction was given for putting this on the agenda for discussion next week. At that time there will be public discussion on the salary survey and potential adoption of that salary survey and the Board will invite all elected officials to attend to express their position regarding that survey.
Action Taken:
County Attorney and County Manager Contracts
Also, to list the individual contracts for both Don and Ed for potential final action on those agreements next week.
Action Taken:
Meadows
The Meadows was deferred until after January 9, 2007 for discussion.
Action Taken:
Allison Energy
Don was directed to correspond with Allison Energy and Conoco Petroleum concerning two oil and gas issues.

COMMISSIONER REPORT
Commissioner Houpt – a transition committee meeting in Denver on Tuesday, and gentlemen who wants to meet to talk about severance tax money potential being used for capital construction for schools.
Chairman Martin – the schools get 53% of severance tax at the present time.
Commissioner McCown – are they thinking of taking it out of the state school fund and earmarking it for capital or is he talking the local share after its been distributed on the per worker basis?
Commissioner Houpt – If he's calling local officials they may be looking at local taxes.
Commissioner McCown – I couldn't support that because the other taxing entities would be left completely out of that loop if they earmarked funds. The state school fund does get the first cut of that, now if he wanted to earmark a portion of that for capital and be redistributed back to local school districts that would be.
Commissioner Houpt – always been a concern about how the schools in communities that are struggling can maintain their schools or build new schools – Leadville is a prime example and don't doubt that they need to find a source and would agree with your position on that. I-70 Coalition meeting on Thursday and Forest Health on Friday in Summit County
Commissioner McCown – Com board on Wed; Thursday the Northwest Oil and Gas Forum and one of the better forums that's we'd had in the past several years as far as information brought forward and well attended; meeting on

Tuesday at 3:00 p.m. with Chuck McClain to discuss some issues that they feel the industry can fill in on our oil and gas regulation section in our new land use code; Club 20 caucus Thursday, 5 pm at the Community Center. Chairman Martin – Grand Junction on 6th with the Port of Entry, the State Patrol, State of Utah and their Port of Entry as well as the motor carriers and numerous other officials in reference to new rules and regulations in reference to motor carriers and dollars, etc, inspections, and it affects our Road & Bridge folks and Jake and Mike were there as well and we had a good exchange of information; hopefully we will see some positive changes and means we have more education, more requirements of our employees to meet these new state statutes, etc. and another expense to the County; Energy Management Summit was last Friday the 8th; Tuesday – 9am a meeting with Dr. McKee on buildings in Parachute to be held here. Sweetwater 6 p.m. on Friday, Jesse and John and perhaps Bobby Brannan - Community meeting.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Authorize the Chairman to the Notice of Correction to Condominium Plat for Valley View Village – Fred Jarman
f. Authorize the Chairman to sign a Resolution of approval for Special Use Permit for Temporary Employee Housing – Applicant: Chevron USA, Inc. - David Pesnichak

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – f absent b and c; carried.

REGULAR AGENDA PUBLIC MEETINGS:

- ***Funding request for Habitat for Humanity of the Roaring Fork Valley – Ray Limoges***

Ray Limoges and Pat Sema submitted a letter of request for Habitat for Humanity which is a nonprofit home builder in partnership with needy families that was started as a grass roots movement in 1999 when a group of citizens saw the need for simple, decent, affordable housing in the area and decided to do something about it. The program offers opportunities for families with an income of $18,000 to $35,000 per year who are currently living in substandard housing who don't have the resources to improve their circumstances. The families are required to provide 500 hours of "Sweat Equity" and repay a $90,000 interest free mortgage. Mortgage payments of $375. a month and the Habitat for Humanity has first right of refusal if the owner decides to sell the home.

The goal is to have a two-year inventory of land to continue to build homes. Currently they are working with a developer who donated the land for the duplex in Carbondale. 35 businesses working in the valley with them, 250 people volunteers and 2,500 hours spanning 7 moths. $65,000 beyond in material donations and the Habitat board adopts the family for 2 years after they are in the home. A list of businesses that have helped was given. The biggest challenges are money and land.

International Organization was stated in 1976 with the mission to eliminate sub-standard housing in the world. For Katrina they have built over 375 homes. This is a life changing difference for one family at a time. They believe they are breaking the cycle of poverty.

The request before the Board today is to donate $1000 to $1500 to assist in the next project.

Un-obligated funds in the County Commissioners fund and it would be up to the Board. This would be 2006 funds or it could be in 2007.

Don – constitutionally the Board would need a contract and would need a scope of services.

Ed also referenced the Human Services grant process. $5,000 is left in 2006 budget.

Don – the Board needs to specify the money amount and then specify your expectations which we would incorporate in the scope of services which are generally very general and it has to do is fit within the ambient of those types of things that the County can provide through its own authority. So I assume in this case the objective is to utilize the $3,000 to be applied to the capital costs of constructing a single family home under the guidelines for Habitat for Humanity as expressed at this meeting.

Commissioner Houpt so moved; Commissioner McCown seconded.

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

REGULAR AGENDA: PUBLIC HEARINGS:

- ***Abatement request for Kenneth L. Melby – Shannon Hurst***

Notification was given to the taxpayer.

Chairman Martin swore in the speakers.

Shannon Hurst presented.

City of Rifle
Schedule R210603

Exhibit A – abatement request concerning property owned by the City of Rifle. An order for immediate possession by the District Court of Garfield County was recorded on July 24, 2006 in the records of the Clerk & Recorder. The immediate possession occurred on September 1, 2005. A portion of the 2006 taxes needs to be abated. Shannon recommended the abatement for 2005 of $1,607.89.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; In favor: Houpt – aye McCown – aye Martin - aye

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatement for Schedule R210603 for the City of Rifle in the amount of $1607.89.

In favor: Houpt – aye McCown – aye Martin - aye

Kenneth L. Melby
Schedule R361263

This is to correct a clerical error on the appraisal side which lowered the value to $56,920 however the correction was not carried to the administrative side of the software and resulted in an overpayment of taxes for 2005. The abatement amount is $1406.67.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatement of taxes on Schedule R361263 for Kenneth L. Melby for the amount of $1406.67.
In favor: Houpt – aye McCown – aye Martin - aye

Meeting with the City of Glenwood
Jeff Haskell, City Manager has requested a joint City and County meeting.
Commissioner McCown would be gone at the time when this was to occur. The Board requested to reschedule the 10th of January – otherwise after February 1st.

Don submitted an emergency request: Debbie came to me this morning with a request that you authorize the Chair to sign a Services Agreement with a Gary Deland to provide professional services and analysis and testimony in regard to the existing ACUL litigation. These gentlemen's previous qualifications has been discussed in executive session to provide expert testimony and estimated his cost higher but he believes for the initial review and report he can prepare his opinion for $12,000 or less and Don needs authority to move forward.
Commissioner Houpt so moved; Commissioner McCown seconded.
Commissioner McCown clarified this is a single source, not an RFP. Don said this individual is extremely qualified to do this.
In favor: Houpt – aye McCown – aye Martin - aye
Public Comments by Citizens Not on the Agenda
Mark Gould and Dean Gordon were present asking for consideration to postpone the zoning action proposed to take place in January. We haven't been to court – Bair Chase owners and the mechanisms of the law work slow. Plains National Bank, Public Trustee Deed – a deed when you can't get rid of the mechanics liens – they propose to sell the property. The sale could be as early as this Friday – the proposed buyers can't come yet because they are not the owners, in the interest of – asked Mark and Dean to postpone and allow them some time to tell you what their plans are and that is less than 30 days. Please don't take the zoning action – can show documents to lay out their case – no courts case yet – justice has own timeframe and a Ruling 26 Disclosure – Case, Witnesses – the bank wants 30-days after the closing. If the BOCC needs something they can show some things on a confidential basis. $17 million deal to the bank and $2.5 million on the mechanics liens – owner has real capital and in the best interest to take a successful project forward.
Scheduled a hearing for Bair Chase in January on 15th for the Planning Commission and the 22nd Public Hearing for the BOCC.
They are requesting a 90-day extension.
Chairman Martin – talk to legal and staff and see if that is something we can do.
Commissioner McCown – we need to review the time frame and get back to you with an answer.
REGULAR AGENDA PUBLIC MEETINGS:
CONSIDER THE APPOINTMENT OF TERRY OSTROM AS AN ALTERNATE MEMBER TO THE GARFIELD COUNTY PLANNING COMMISSION – FRED JARMAN
Fred Jarman presented. Terry Nostrum of Silt Colorado submitted a letter of request to be appointed as an alternate member to the Planning Commission. Vacancy by Michelle Foster in the Parachute area. Bruce Jensen from the Rifle area is leaving the area and that seat will be open as of January 1, 2007. We have advertised and Terry Nostrum submitted his letter several weeks ago. Bruce Jensen is an alternate.
Commissioner Houpt – the seat open is in the far west end and the Rifle position was not advertised.
Commissioner McCown stated the advertisement was not site specific. It is ideal to have the geographic area represented.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Terry Nostrum to the Planning Commission as an alternate.
In favor: Houpt – aye McCown – aye Martin - aye

CONSIDER AN AMENDED PLAT TO ALTER THE STREET NAMES FOR THE ASPEN GLEN PUD LOCATED 2 MILES NORTHWEST OF THE TOWN OF CARBONDALE. APPLICANT: ASPEN GLEN HOMEOWNERS ASSOCIATION – DAVID PESNICHAK
Leslie Lamont, Carolyn Dahlgren and David Pesnichak were present.
David presented the following Exhibits for the record: Exhibit A – Garfield County Zoning Regulations of 1978 as amended; Exhibit B – Staff Memorandum; Exhibit C – application; Exhibit D – email from David mead Garfield County Building Department dated 11.15.06; and Exhibit E – Aspen Glen Street Change Chart dated November 2006.
BACKGROUND AND DESCRIPTION OF THE PROPOSAL
This request is for an Amended Plat of the Aspen Glen Planned Unit Development street names. The Amended Plat involves correcting street names which were erroneously labeled at the point of construction and the creation of sales maps. The currently labeled street names have now become the status quo. The street name changes are as depicted in the submitted maps by Schmueser, Gordon, and Meyer dated August 2006 and listed in Exhibit E. According to the applicant, "some Aspen Glen street names are in use elsewhere in Garfield County. Due to the potential for confusion particularly in an emergency situation this plat correction also proposes to clear up these redundancies. Because Aspen Glen is relatively new, we plan to change our street names and use names that are unique to Garfield County."

There will be no change in any property boundaries with this amended plat. No new development potential will be created with this proposed application.

STAFF RECOMMENDATION
The Applicant has provided all required documentation and has satisfied the applicable standards for this plat amendment. Therefore, Staff recommends the Board of County Commissioners 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 Aspen Glen Planned Unit Development 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.

Leslie stated some of the street names have been changed and David Mead called this to Leslie's attention and discovered some in Aspen Glen held names already held in the County. Midland Loop is not a loop and as addresses were being signed, they arrived at the same numbers. Leslie worked with the Clerk & Recorder to make sure no duplicates and the Assessor's office. A draft memo is ready to go but they will not send these out to the homeowners until the Plat is recorded. The list will be sent to the Clerk & Recorder and to the post office.
Commissioner McCown also stated the Communication Authority and local authorities should also be notified.
Commissioner McCown made a motion to approve the alternation for street names for Aspen Glen PUD as presented by the applicant. Commissioner Houpt seconded.
In favor: Houpt – aye Martin – aye McCown - aye

CONSIDER THE REFERRAL OF A SPECIAL USE PERMIT FOR AN INDUSTRIAL SUPPORT FACILITY TO THE PLANNING COMMISSION – APPLICANT: HARRY & RHONDA NAUGLE – CRAIG RICHARDSON

Craig Richardson presented the staff memorandum recommending referral of this application.

Request

This request is for consideration for referral of a Special Use Permit to the Planning Commission. The applicant proposes to build and operate an Industrial Support Facility including a warehouse, storage facility for material and equipment, gas/oil drilling industry equipment staging, truck washing and administrative services.

Site Information

The site is located north of the Rulison I-70 interchange. The property is 54.01 acres zoned Resource Land, with the proposed facility pertinently occupying approximately 8 acres of the parcel. Located to the southwest of the property Douglas & Beverly Teter have applied for and received a SUP for an Industrial Support Facility. The tract located southeast of subject property is zoned Commercial Limited.

Staff Recommendation

Because of the intensity of the multiple uses, and the potential adverse impact this facility will have in relation to the Garfield County Comprehensive Plan by creating what essentially a commercial/industrial park, Staff recommends that the Board of County Commissioners refer this SUP request to the Planning Commission for recommendation back to the BOCC**.**

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to refer this to the Planning Commission as recommended by the staff.
In favor: Houpt – aye McCown – aye Martin - aye

REGULAR AGENDA PUBLIC HEARINGS:
CONSIDER A SPECIAL USE PERMIT FOR PROCESSING AND MATERIAL HANDLING OF NATURAL RESOURCE (SATELLITE WATER GATHERING FACILITY). APPLICANT: JOHN RAILSBACK – CRAIG RICHARDSON

Craig Richardson, Jimmy Smith of Wagon Wheel Consulting and Carolyn Dahlgren were present.
Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. The husband and wife own the property according to the lease but no deed for the property. She advised the Board they were entitled to proceed if this is cleared up.
Commissioner Houpt noticed that the wife signed the application and she was then okay with the notification.
Chairman Martin swore in the speakers.
Craig 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 – Staff memorandum; Exhibit E - Application; Exhibit F – Memo from the County Road and Bridge Department dated 11-14-06; Exhibit G – Memo and Email from the Garfield County Vegetation Management dated 11-30-06 and 12-01-2006; Exhibit H – Email from the Garfield County Environmental Health Manager dated 11-27-06 and Exhibit I – letter authorizing Jimmy Smith by John and Mary Railsback. Chairman Martin entered Exhibits A – I into the record.

REQUEST

The Building and Planning Department received a Special Use Permit (SUP) for a "Satellite Water Gathering Facility" (*Processing and Material Handling of Natural Resource*) intended to gather produced water by trucking the water from the surrounding wells in the area. The location of the proposed facility is 5 miles southeast of the city of Rifle, adjacent to Garfield County Road 315. Specifically, the applicant is proposing to construct a facility consisting of two 500 barrel steel tanks, one 300 barrel steel tank and a pipeline. The water will be transferred via pipeline to the existing Hunter Mesa Water Treatment Facility for recycle or disposal. (This pipeline is exempt from Garfield County Development Plan Review Requirements)

Revegetation Security

It is the recommendation of this department that the applicant post a revegetation security in the amount of $31,250. 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. **(See Exhibit G)**
This unmanned facility requires no water or sanitation services.
Encana has applied for and received an "Access Permit" from Garfield County Road and Bridge. (Permit Number GRB06-D-95) The entrance to the proposed facility will be from County Road 315. Staff referred

the application to the County Road & Bridge Department who indicated they have no objection to this application with the following comments.

1) This will reduce the amount of truck traffic on Cr. 333 and the maintenance on this road
2) A driveway access permit has already been issued for this location with conditions specific to this driveway; a stop sign shall be required at the entrance to Cr. 315. The sign and the installation shall be as required in the MUTCD (Manual on Uniform Traffic Control Devices
3) A asphalt apron will be required for this driveway, the size will be as issued in the driveway access permit
4) A utility permit for the installation of Electricity for this operation has also been issued with conditions specific to this installation.

The proposed facility will have a minimum impact on the established neighborhood character. The applicant has proposed to paint all the equipment to better blend into the surrounding terrain. Truck activity on the site will be limited to day light hours eliminating the need for lighting facilities.

EnCana has an approved Storm Water Discharge Permit (Certification No. COR034840 expiring 6/30/07). This facility falls within the jurisdiction of this permit. The application only contained a copy of the discharge permit in place of the Stormwater Management Plan.

Staff recommends that the applicant provide the county with a site specific Stormwater Management Plan
Produced water will be stored within enclosed, steel tanks and transferred from the site via an underground pipeline. Minimal vapor emissions are anticipated. This site will have a transfer pump that will be housed in a small building to help mitigate noise and vibrations.
This area is located on summer rangeland for mule deer and elk and within the migration corridor for both animals. This facility will not block the migration routes or pose any hazard to these animals.
In the application it is stated that this facility will result in a 77% reduction of truck traffic on county roads. Staff believes this estimate is high considering the proximity of the proposed facility to the existing Hunter Mesas Facility. When completed, the number of truck trips into this facility will average 11 – 15 trips per day. This number will vary dependent upon daily water production.
In the application it is stated that the Railsback property to the south of the proposed facility is the only residence within a one mile radius. After conducting a site visit, it was determined that four other residences fall within this one mile radius. These homes are within visual range of this site.
The application does not contain a site specific Hazardous Materials Management or Spill Prevention and Countermeasure Plan. The plans submitted are very general. Staff suggests the Board require plans specific to this facility.
The application includes a reclamation plan that is not site specific, but EnCana's standard reclamation procedures. The plan submitted does not contemplate removal of the equipment or the pipeline, but does address company responsibility, seedbeds, rock disposal, compaction, topsoil restoration, erosion control and weed control in a general context. The comments from Steve Anthony, Vegetation Manager, suggest that the applicant propose a higher seed mix and post revegetation security in the amount of $31,250. 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. Staff also suggests that the board require a site specific rehabilitation plan.

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.*"

Staff recommends that the board consider requiring security in the amount of $31,250 intended to address proper reclamation, closure and abandonment specific to this facility.

Should the Board approve the request for the Special Use Permit, 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 facility function in accordance with the proper best management practices and within the parameters of the State Statutes.

STAFF RECOMMENDATION

At this time Staff can not recommend approval of this Special Use Permit application until the following items have been submitted for staff review.

1) 5.03.07 (1) (a) A site specific Stormwater Management Plan
2) 5.03.07 (1) (f) A site specific Hazardous Materials Management Plan and Spill Prevention and Countermeasure Plan
3) 5.03.07 (2) (a) A site specific Rehabilitation Plan

Commissioner McCown – questioned the storm water management plan on a ½ acre of land.
Carolyn stated it is not related to size in industrial applications. Size of disturbance is not relevant.
Commissioner McCown questioned the amount of security for this project and even though Steve Anthony has suggested $31,250, it should only be $2500 because we're only permitting ½ acre – the pipeline doesn't require a SUP.
Applicant: Jimmy Smith – on the Storm Water Management Plan, EnCana has and submitted as part of the packet an area-wide permit for the Mamm Creek producing field, their state permit, and the way storm water management

plans work as far as the oil and gas industry, anytime a new project is developed whether a pipeline facility or otherwise, a supplement is added to that plan identifying that site and it falls under the regulations of that existing storm water management plan and requires the same 14 day review period or significant event review just like all the other projects.
Commissioner Houpt – you don't feel as if you have to put together a site specific plan to amend that because for us that's pretty important.
Jimmy – typically the site plans specific to that site, that supplement is prepared during construction of that site and the BMP are put in place at that time and then a supplement becomes a part of the plan. EnCana has no reason to deny or to argue the point that we can in fact supply a site specific even though if that were the only site in that area, it would not fall under the jurisdiction of the storm water management plan unless it has one acre of disturbance. It will in fact become a supplement of the existing plan therefore there's no reason to provide that. The hazardous material plan is very similar to that, that site falls within the hazardous prevention spill plan approved by the state for EnCana as part of this packet. We can also do a more site specific there. The Reclamation plan will still fall under the COGCC rules, Rule 10.03 and 10.04 which covers the reclamation of the facilities both tank batteries, pipelines and other facilities within that plan, which requires you to abandon and reclaim that site within a 3-month period following that – and this can be furnished referencing those rules and regulations. The
seed mix that was proposed is standard for the Mamm Creek area and after visiting with Steve Anthony after receiving the staff report we are willing to go to the approximately a 3 time increased rate, 3 times the proposed 8 pounds up to approximately 24 pounds of seed mix – that will be submitted to staff as well. As far as the Reduction in Traffic – the current route distance if you look on the map, the distance provided between this site and the existing Hunter Mesa facility is in fact a short distance and the area you have to travel to get there on the county road is much further. We've done a good job in calculating the miles driven now which is approximately 644 miles; the new route even though it's concentrated more in specific areas is only 147 miles therefore, a reduction of 497 and that's where we came up with a 77% reduction that impacts county roads in that area.
Commissioner Houpt – interprets traffic impacts differently and there's a difference between traffic impact and road impact and if you look at the cumulative number of miles that a truck travels on any given road in the county, I can't argue with your equation at all but if you look at the actual impact of that new site that will have on that neighborhood, that's what I haven't seen analyzed.
Jimmy – in general cases he would agree but in this case those same trucks that are traveling all the way around to the Hunter Mesa pass that site on a daily basis now so they were simply be stopping at that facility versus going on, so the number of trucks and the mileage is the benefit or the major benefit identified, not the number of trucks, you're correct. But in honoring the staff's request, EnCana has agreed that we should ask for a continuance to provide those more site specific items, we received our technically complete notice on November 6 and received the request for additional information on December 6 and in order to provide those more detailed documents to staff we would request a continuance of this hearing and requested the 1st meeting in January. January 8, 2006 at 1:15 p.m.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to continue this until January 8, 2006 at 1:15 p.m.
In favor: McCown – aye; Martin – aye; Houpt - aye

CONSIDER A PRELIMINARY PLAN APPLICATION FOR PINYON MESA SUBDIVISION IN THE LOS AMIGOS RANCH PLANNED UNIT DEVELOPMENT. APPLICANT: PINYON MESA DEVELOPMENT, LLC. (AKA - ELK SPRINGS AND ELK MESA) – FRED JARMAN

Fred Jarman, Carolyn Dahlgren, Brett Benzel, Debbie Dulley with SGM and David McConaughy were present.
Carolyn noted the change of ownership and also 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.
submitted the following exhibits: Exhibit A –Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Subdivision Regulations of 1984 as amended; 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 – Letter from Carbondale Fire Protection District dated 8-19-06; Exhibit I – Letter from DOW dated 8-9-06; Exhibit J – Letter from the CGS dated 8-30-06; Exhibit K – Letter from Mountain Cross Engineering dated 8-31-06; Exhibit L – Letter from DWG dated 8-30-06; Exhibit M – Email from the County Road and Bridge Department dated 8-30-06; Exhibit N – Letter from the Colorado State Forest Service dated 8-28-06; Exhibit O – Email from the Colorado Department of Transportation dated 8-13-2006; Exhibit P – Letter from the Bureau of Land Management dated 8-22-06; Exhibit Q – Letter from County Vegetation Manager dated 9-01-06; Exhibit R – Letter from SGM dated 9-27-06; Exhibit S – Letter from HP GeoTech dated 9-29-06; Exhibit T – Conditions to Staff Report; Exhibit U – Revised Traffic Impact Study; Exhibit V – Email from CDOT dated 10-11-06; Exhibit W – Fire Protection District Letter from Bill Gavette dated 10-06-2006; Exhibit X – Letter from Mountain Cross Engineering dated 11-21-06; Exhibit Y – Fire Protection District Letter from Bill Gavette dated 12-5-2006; Exhibit Z – Letter from Garfield & Hecht dated December 5, 2006 and Exhibit AA – Recorded deed from Elk Mesa to Pinyon Mesa Development. Chairman Martin entered Exhibits A – AA into the record.
Fred Jarman reviewed the staff report.
The 60.49-acre property is generally located in the Spring Valley area approximately 7 miles south of Glenwood Springs and approximately 1 mile east of the Highway 82 / CR 114 intersection. The property is bordered to the north and east by CR 114 and the other phases of Los Amigos Ranch PUD; bordered to the south by BLM; and bordered to the west by Garfield County property.

Physically, the property sits on an upper bench above the Roaring Fork River valley floor on the south side of County Road 114. There are two significant deep drainage channels that begin in two separate places, which merge at approximately the center of the property and then drain to the west. Additionally, there is a significant knob in the center of the property with steep slopes on the eastern edge of the property. The vegetation consists of sage, juniper and Pinyon pine. [The photo below presents a view looking from the proposed main entrance near CR 114 to the southeast.]

Proposal:

The Applicant proposes to subdivide the property according to the uses and densities as approved by the Board in Resolution 81-358 with the original Los Amigos Ranch PUD which calls for 80 (high density) single-family lots on the 60-acres. As will be discussed, the development is proposed to be served by existing central water and sewer systems and access is provided directly from CR 114. The lots have a minimum lots size of 10,000 sq. ft. and approximately fifty percent (30 acres) of the property will be placed in open space accompanied by community facilities approved in the PUD such as picnic areas, small community center, etc. Generally, the proposal intends to develop three separate areas of the site in two phases.

The original Los Amigos PUD (approved by the BOCC in 1981) zoned the subject property for 80 single-family lots in the following configuration:

Additionally, this property was approved as Phase 3F to be the last phase to be developed in Los Amigos with a submission of the Preliminary Plan to the County by December 31, 2008 and a completion of the SIA by December 31, 2010. Interestingly, the proposed subdivision design of the property almost matches the design proposed in 1981.

Proposed Uses

The Applicant proposes single-family residential development on all of the 80 lots which is contemplated as a "use by right" in the PUD and is therefore consistent with the underlying zone district.

Staff finds that since FAR is specifically called out as FAR over the total HDSF area, FAR is to be calculated by total area devoted to HDSF zone district which results in approximately 60.64 acres.

The total acreage of the property is 60.49 acres with 50% of that acreage being 30.24 acres, yet the plan proposes 30.21 acres. This appears to generally satisfy this requirement.

RECOMMENDATION

The Planning Commission unanimously recommended the Board of County Commissioners approve the Preliminary Plan request subject to the following conditions of approval:

1. That all representations made by the Applicant in the application and as testimony in the public hearings before the Planning & Zoning Commission and Board of County Commissioners shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
2. All internal roads shall be designed to have a road surface of two 12-foot driving lanes with curb and gutter throughout the subdivision.
3. The length of the cul-de-sac represented as Pinyon Mesa Drive shall be allowed to be designed, as shown, to 900 linear feet.
4. The Applicant shall furnish a design and specifications for the secondary emergency point at the end of Paintbrush Way that indicates the ability to handle large / heavy emergency vehicles and methods of break-away gates or other appropriate mechanism to deter use unless for emergency. This shall be prepared and provided prior to final plat.
5. Applicant shall obtain a driveway access permit for both the main entrance into the projects and for the secondary emergency access point onto CR 114 these shall be obtained prior to final plat.
6. The Applicant shall install a stop sign at each entrance to CR 114. The signs, posts and location shall be as required by the MUTCD (Manual on Uniform Traffic Control Devices). An intersection sign shall be placed on both sides of the main entrance to the subdivision alerting uphill and downhill traffic to the entrance. The signs, posts and installation shall be as required in the MUTCD (Manual on Uniform Traffic Control Devices).
7. A right-hand turn lane should be installed on the uphill lane to the main entrance to the subdivision.
8. The Applicant shall pay the appropriately calculated Traffic Impact Fee for Study Area 10, which results in a fee of approximately $149,292.00. Only half of this fee (approximately $74,646.00) is required to be paid at Final Plat with the remaining half to be amortized by way of individual building permits as the project develops over time.
9. The Applicant shall cause the conveyance of the School Parcel by deed to the RE-1 School District prior to Final Plat.
10. All development of this property shall follow the recommendations of the Colorado State Forest Service as stated in their letter dated August 28,2006, (attached as Exhibit N to the Staff report) which shall be incorporated into the CCRs as a requirement of the BOCC particularly as they relate to lots 17-20, 36-48, 66-72 and lots 59-65.
11. The Applicant shall pay-in-full the fire impact fee of $437 per dwelling unit to Carbondale Fire Protection District at the time of Final Plat. (This fee shall be $34,960.00)
12. The Applicant shall incorporate the recommendations contained in the "Wildlife Analysis / Impact and Mitigation Report" prepared by Rocky Mountain Ecological Services, Inc. contained in the Application and shall be included as a component in the CCRs.
13. Prior to the hearing before the Board of County Commissioners, the Applicant shall meet with the DOW in order to prepare an Elk Management Plan due to the amount of critical wintering habitat being eliminated with development. (This was not completed.)
14. The Applicant shall cause the open space tracts to be deeded to the Homeowners Association as part of the Final Plat.
15. The Applicant shall provide a security for revegetation in the amount to be determined by the County Vegetation Manager (based on disturbed acreage) for all areas to be disturbed in connection with the final plat and the obligations of said security which security shall be incorporated into the Subdivision Improvements Agreement. The security shall be held by Garfield County until vegetation has been successfully reestablished according to the Reclamation Standards in the Garfield County Vegetation Management Plan.
16. The Applicant shall provide a Soil Management Plan that includes 1) provisions for salvaging on-site topsoil, 2) a timetable for eliminating topsoil and/or aggregate piles, and 3) a plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more. The Applicant shall

prepare this plan to be submitted with the final plat documents so that the County can review prior to final plat approval.

17. The Applicant shall follow all of the recommendations provided in the geotechnical analysis prepared by HP Geotech (reports in the Application and Exhibit S to the Staff Report) as well as the follow the recommendations provided by the Colorado Geologic Survey in their letter dated August 30, 2006 also attached as Exhibit J to the staff report).
18. All easements of record shall be shown on the Final Plat.
19. The Applicant shall include the six points provided in the letter from the Bureau of land Management dated August 22, 2006 (and attached to the Staff report as Exhibit P) in the CCRs to place residents in the PUD on notice of these issues. The CCRs shall be provided as part of the Final Plat submittal.
20. The following plat notes shall be placed on the final plat.

a. a.*"Control of noxious weeds is the responsibility of the property owner."*

b. *"One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owner's property boundaries."*

c. *"No open hearth solid-fuel fireplaces will be allowed anywhere within the subdivision. 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".*

d. *No further subdivision shall be allowed of a subdivided lot."*

e. *"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".*

f. *"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.*

g. *"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."*

h. *"All lots shall require site specific geotechnical studies before a building permit will be issued by the County Building Department and all foundations shall be designed by a professional engineer licensed to practice in Colorado.*

i. *Tracking for staff – understands what the perimeters are for staff. – added.*

Carolyn the resolution in place contemplates private roads and my expectation that the applicant will continue that way rather than having to go backwards and amend their PUD approvals but this needs to be clarified. If so, I would suggest that Paragraph 2 be something along the lines of "consistent with prior PUD and preliminary plan approval, all internal roads shall be private roads, all roads shall be designed to have a travel surface of 2 – 12 foot driving lanes and varying right of way widths of 60 feet and 50 feet as shown on the drawing." And as Fred called out, curb and gutter shall be installed throughout the subdivision. For whatever combination of reasons, the PUD approval documents weren't real clear on the Commissioners varying the subdivision regulations but consistently this body did vary them, it just didn't make it into the final documents.

This would allow for a gated community. All subdivision roads are generally privately owned by publicly dedicated, but in this case the applicant could by way of the PUD put up a gate.

Applicants:

David said Fred did a good report and David made some notes on the conditions:

At the time of the Planning Commission, it wasn't clear how much discretion you had to vary those road standards and went back and prepared a map that shows all of the ways road standards had been applied since the 90's for those particular segments. In a straight subdivision what you've done is say you pick the maximum traffic anywhere and apply one standard for the entire subdivision; in a PUD you've allowed it to vary based on segments based on the traffic counts for each segment, so that's what was proposed here. Basically a minor collector up to that intersection would say Meadow Drive and then it goes to a secondary access. Because we weren't clear how much discretion you had at the PC meeting we did make a commitment which we are still willing to make, to build everything to the 2 – 12 foot driving lanes so that you won't actually notice any change in the road – it will all be built to the minor collector's standards, the only difference would be whether it's a 60 or 50 foot right of way. Putting a 60 foot right of way on some of these Stage Meadow Drive and Cliff Rose Way would push the setbacks so you would have a hard time fitting any kind of realistic house on that lot. If you'd like us to keep that commitment to 2-12 foot driving lanes that's fine. It has been built with 11 foot or even less in LAR (Los Amigos Ranch) and is a nice traffic calming feature. If you don't care about that, I just as soon have more flexibility and show you an actual design as part of the final plat recommendations which might be 11 or 12. On the Public or private we will do whichever you like, we do not have a proposal to have a gate but the secondary access would have a breakaway gate and no problem with that condition saying we would submit a design for that. It might just be an unlocked gate, just something to deter people from using this as a primary access. That's Condition No. 2.

Condition 3: submitted that we meet prongs of the test, you've got the letter from the Fire Department saying the design is okay and if you looked at the topographic slide, that whole area with the cul-de-sac is cut off by that ravine and no way to develop that without having some kind of a dead-end there or giant bridge. On the cul-de-sac, the PC wanted it to be paved all the way over instead of an island in the middle of it so it would be a sea of asphalt which frankly we believe would be ugly but we'll build it that way if you tell us too. Didn't see that as a condition but to clarify what the representations are, we prefer to put the landscape island in the middle. On Condition 7 on the turn lane. Your code is written, if a developer does develop off-site traffic improvements, that can be treated as a credit against the traffic impact fee, so in Fred's presentation it was presented as an either/or and world like to see and consider this at final plat and put in the SIA, like to see as an advisory condition and say and, if so, a credit would be applied toward the traffic fee as provided by your Code and then we'll give you the details and construction drawings at final plat so that your engineers and road and bridge can determine if it's needed or not. Condition 9 – it's correct, we don't own the parcel; Larry Green's client does Larry has told me he will hand over that deed whenever it's wanted, so I don't think that would be a problem and would love to see the Condition revised to say that "either that will happen or we'll pay the school impact fee in order not to create a situation where someone else is holding the card and in a position to blackmail us on it, properties do change hands and you never know who you may be dealing with. If you said it is either dedicated or pay the fee then at least we have a number on what it could cost us if you don't comply with what the county told you to do 5 years ago.
Commissioner Houpt – well they need to do it, they have an obligation to accomplish that, we should be putting pressure on the school.
Carolyn – a number of discussions with RE 1 School and with Mr. Green and they should request the deed – at this point a ministerial issue, it's just a matter of getting it done.
David – we have a week to record our final plat and someone gets greedy and says we'll do this today for $50,000 or next month for nothing, because I was up against a deadline – I don't see that happening with the current owner but it's my job to be paranoid. Condition 13 was meeting with DOW and Debbie did try to do that and they are busy with hunting season so we would request that this be deferred as a condition for final plat. It could be fence height or something like that but agreed we do need to sit down with them.
Debbie – Kelley Woods of DOW and she would like to see all the recommendations in the wildlife report being incorporated in the CCR's and also speak to the concerns BLM had about hunting on the adjoining property and we can do that as well and come up with a formal plan.
David – tweaking on the conditions otherwise fine.
Debbie – paving on the cul-de-sac – PC recommended the entire thing be paved. A full two lane roadway and have plenty of emergency access.
Fred – Island – concern of trucks to get around the island and also on snow storage. Prohibited parking on the street. Recommend no asphalt of the entire thing. It wasn't a condition, see page 15 of the staff report – the PC recommended no island in an effort to assist with emergency vehicle turn-around.
Debbie said the inside radius of the cul-de-sac has a 45 foot degree radius which is normal full size cul-de-sac and we have a full two-lane roadway going all the way around it so we have plenty of emergency room access even if the inside of that island is landscaped.
Commissioner Houpt – you mentioned that the important thing was to make sure emergency vehicles could get through there, whether an island or not.
Fred – the island is different from the actual secondary access point – two different spots. In the island, the PC, Cheryl Chandler was concerned with the ability of trucks to get around the island itself and also snow storage and also on street parking – it is prohibited in this subdivision, the snow storage – Debbie will speak to that. It is a huge piece of ground. It wasn't a condition.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; motion carried.
A motion was made by Commissioner McCown to approve the Preliminary Plan for Pinyon Mesa Subdivision with the correction to Item 2 on the verbiage that the attorney and applicant agreed on – bring us back an engineered, some road will be 11 and some 12, we'll show you which ones, not critical that they all be 12 foot, collectors especially, the right of way variances, the biggest thing people would notice and safety is the primary issue for that width, Item No. 3 like to amend to read "the length of the cul-de-sac presented in Pinyon Mesa Drive shall be allowed designed as shown to the 900 linear feet with the center area unpaved"; Condition 7 – right hand turn lane can be either/or it can be constructed by the developer and credited from the road impact fee; No. 9 – will note that the applicant shall "cause conveyance of said school property by deed or school impact fees could be paid prior to final plat; no. 13 – we will inject the words "final plat" after the prior to the final plat hearing before the Board of County Commissioners and the management plan will have been developed.
Commissioner Houpt – seconded.
Public or private roads - Commissioner McCown – I'm hearing private roads.
Carolyn – questions – what happens if the developer decides to do that off-site improvement and it cost more that what the road impact fee would have been.
Commissioner McCown then they will be credited for the full amount of their road impact and thank them very much.
Carolyn – wanted to clarify that the county would not give them any money.
Commissioner McCown – no. It's been that way in the past where other developments exceeded the road impact fee with their road impact fee,
Fred – the twist – this benefits this subdivision clearly, where other money spent on roads near other subdivision but not specifically connected to it – a slight difference.
Commissioner McCown – this particular portion of road is scheduled to be improved anyway by another development.
In favor: McCown – aye; Martin – aye; Houpt - aye

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

DECEMBER 18, 2006
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 18, 2006 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

Mildred submitted a vehicle Title to be signed and stated it was for the truck that was wrecked in Road and Bridge Commissioner McCown made a motion that the Chair be authorized to sign the Title as submitted; Commissioner Houpt seconded; motion carried.

COUNTY MANAGER UPDATE – ED GREEN

- ***Award Professional Services Contract to Jean's Printing – Tim Arnett***

Tim Arnett and Ed Green presented.

Tim stated this is the annual printing contract. Three people presented bids. The evaluation team reviewed the bids and rated those applying. Jean's printing received the highest points therefore the recommended award is to Jean's Printing for 2007 in a not to exceed price of $40,000.00.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award to Jean's Printing for 2007 in a not to exceed price of $40,000.00.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Extension of FMLA for Pat Antonelle – Kraig Kuberry***

Kraig presented the request for FMLA for Pat who had an accident at home and had surgery. He is in therapy and his 3 months was up a few weeks ago. He is expected back in January and the request is to extend the 15th of January 2007.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to extend the FLMA to the 15th of January 2007.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Authorize the Chairman to sign Contract with Walsh Environmental for Silt yard clean up – Kraig Kuberry***

Kraig presented the economic feasibility study prepared by Walsh Environmental for the Silt yard clean up in a not to exceed cost of $59,833.43.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve Walsh Environmental for the Silt yard clean up in a not to exceed cost of $59,833.43.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Authorize the Chairman to sign a Reimbursement Application & Agreement with CDLE for Rifle Shop Remediation – Randy Withee***

Randy presented the reimbursement application and agreement with CDLE for Rifle Shop Remediation and requested the Chair be authorized to sign. The request is to reimburse $250,268.00. Randy stated this figure was not absolute as he is trying to obtain additional funds from the State on the work that has been done. There is a 90-day period of review but hopefully by this summer the County will go to a committee and put in a presentation for the reimbursement.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to cosign the reimbursement application and Bi Lateral agreement with CDLE for the Rifle Shop Remediation.

Ed commented this is not included the budget.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Confirmation of Fair Board Members – Jesse Smith***

Jesse presented the list and stated at the last meeting of the Board, they held their elections and this is the organization structure they would like to implement.

President – Jim Sheets, Vice President – Kate Foster, Secretary – Galey Gredig; Jacque Burris, Lee Roy Chelewski, Mindy Castle, and Ad Hoc members – Jesse Smith; Michelle Pike; Robert Flohr; David Ebeler; and Kevin Runia.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Garfield County members and ad hoc members as presented.

In favor: Houpt – aye McCown – aye Martin - aye

- ***Update on Oil and Gas Stormwater Stakeholder Process – Jim Rada***

Jim Rada gave the update. There were some regulations implemented last year on storm water sites on oil and gas. The Water Commission asked them to come back in the regulatory process. The first meeting was held in October. There are two very distinct sides on this progress – owners of land and the oil and gas companies. Some would like to see more flexibility and the other side is those who would like to have the process stay the same. The state has made it clear as to what they want to come out of this – stay flexible but maintain water quality and not increase the burden on the oil and gas companies. There are on-going discussions on several issues. Where we stand at present, a number of agencies are interested in getting together to develop a position for the western slope.

Don – we participated informally and some commitments the Board decided not to commit i.e. expert witnesses.

Jim – that group is coming back together. Today, Jim is requesting direction on the manner to participate in this group. A private contractor is being discussed and he presented this to the Board - focus on a $2500 commitment, but Jim has not made a commitment to keep the writing of position statements, meetings, record keeping, etc. A conference call of the western coalition will be held on Tuesday, December 19, 2006. Jim named the members on the western slope.

Commissioner Houpt – it sounds like a very good discussion to be involved in and I personally think this is a table we need to be sitting at.

A motion was made by Commissioner Houpt to commit $2500 toward this effort and have a seat at the table. Commissioner McCown seconded for discussion – I would like Jim to go to this next meeting and get a letter of direction and a list of membership before we sign for this commitment. A financial commitment is a commitment to join and requested more information.

Jim said the information hearing is in mid-May but the group is trying to put together an agenda. No commitments have been made by any member of this group.

Commissioner Houpt withdrew her motion.

COUNTY ATTORNEY UPDATE – DON DEFORD

- ***A. Consideration/Approval of IGA with RFTA Re: Grand Hogback Transit Services***

The agreement (IGA) was submitted and Don explained that Renee Black and he have discussed this, four payments next year to RFTA on the Hogback Route and that representation has been made for the 2007 budget.

Don included the certification of the illegal alien statement. The AG has taken the position that on some IGA this certification is not needed. This section was the subject of some discussion with RFTA. Authorize for John to sign the original document.

Commissioner Houpt so moved. Seconded by Commissioner McCown.

In favor: Houpt – aye McCown – aye Martin - aye

- ***B. Consideration/approval of 2007 Purchase of Services Agreement with Mark Bean***

This agreement is for January 1, 2007 and shall be completed by the 31st of December 2007 for a not to exceed cost of $10,000 based on $50/hr and .50 cents per mile. Insurance requirements have been waived. Don stated he needs a motion for the Chair to sign the original documents.

Commissioner Houpt so moved. Seconded by Commissioner McCown.

In favor: Houpt – aye McCown – aye Martin - aye

- ***C. Consideration/approval of 2007 Purchase of Services Agreement with Sullivan Green Seavy, LLC and Norris Dullea Company***

This is the agreement to provide draft codes to two public forums for additional public feedback, develop Airport Land Use Standards for inclusion into the draft code; refinement of the draft product into a final draft for presentation to public hearing and final adoption by the Board of County Commissioners and completion of Model County Code for the Critical Path: Budget by Tasks in a not to exceed amount of $20,805.00 for the Airport Land Use Standards.

Fred put together a detailed list and commented the detailed scope of work was also submitted. The contract will get us to the end result. We feel this is doable.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the purchase of services agreement with Sullivan Green Seavy, LLC and Norris Dullea Company for

In favor: Houpt – aye McCown – aye Martin - aye

- ***D. Consideration/approval of 2007 Purchase of Services Agreement with Value Check, Inc. - Assessor***

Shannon stated this is to complete the appraisal process.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the agreement with Value Check, Inc for a not to exceed cost of $6,500.00 per month for the Bi-annual Commercial Real Property reappraisal as presented.

In favor: Houpt – aye McCown – aye Martin - aye

- ***E. Consideration/approval of Resolution establishing the Oil and Gas Mitigation Fund***

Don submitted the draft Resolution to establish the fund. This includes language the Board was looking for on restricting payments and explained paragraph 4.

Commissioner Houpt stated paragraph 3 opens this fund up for other revenue sources.

Ed said there would be $1.7 million from the severance tax and mineral leasing funds.

Don said future boards can amend this and it will take serious through of the Board to change in.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to establish the oil and gas mitigation fund and the chair be authorized to sign.

In favor: Houpt – aye McCown – aye Martin - aye

- ***F. Consideration/approval of 2006 Purchase of Services Agreement with Saccomanno Research Institute***
- ***G. Consideration/approval of 2007 Purchase of Services Agreement with Saccomanno Research Institute***

This is for the health impact study and there are two agreements due to Tabor issues.

Don explained the changes and the insurance requirement. He gave the reasons why the Institute would not necessarily need to be required to carry the following: Insurance – they asked the provision "the BOCC shall be named as an additional insured on Contractor's Comprehensive General Liability Policy".

Don also noted that document ownership – we have recognized the Mesa State College and both Dr. Coons and Dr. Walker would like to use the research in their presentations. Don explained that the risk of liability is not very high when you are doing a study. They still have to have insurance but we are not named as an entity covered. They will still have to indemnify us.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to accept the purchase of services the agreement in a not to exceed amount of $64,975.00 to Saccomanno Research Institute for 2006 and for 2007 removing the named insured.
In favor: Houpt – aye McCown – aye Martin - aye
Executive Session: Litigation Update; Legal Advice - Salary Survey issue; oil and gas issues, land use; Assessor – Landis Creek Metropolitan and two personnel matters and direction on the County Attorney's contract and possibly the County Manager's contract.
Fred is needed for the land issue and Shannon for the Landis Creek issue.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.
Action Taken - none

Not on the Agenda – Garfield County library District
Don explained the discrepancies with the entity to operate and he referenced the Resolution – Garfield County Library District – the ballot, the name was the Garfield County Public Library and his discussions with Tom Stuver. This is important with Bond Counsel and Don requested authorization for the Chairman to sign the Resolution amending the 9/5/2006 to show as the Garfield County Public Library System.
Commissioner Houpt so moved; Commissioner McCown seconded;
In favor: Houpt – aye; Martin – aye; McCown - aye
In all instances the correct name will be referenced.

- ***H. Consideration/approval of IGA with Garfield County Public Library and Garfield County Public Library District***

Lola Paddock accountant for the Library, Anne Moore-Library Director, Cheryl Currier, Bill Lamont and Tom Stuver were present.
Don submitted the IGA whereas the electors approved a general property tax levy and a multi-fiscal year financial obligation from the County to the District to fund the operations of the District.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the IGA with the Garfield County Public Library and Garfield County Public Library District.
In favor: Houpt – aye McCown – aye Martin - aye

- ***I. Consideration/approval of Multiple Fiscal Year IGA with Garfield County Public Library District***

Don explained this is in agreement with the majority vote of the electors of Garfield County beginning January 1,2007. There shall be paid to the Garfield County Library District an amount equal to the revenue collected by Garfield County under the one-quarter cent sales tax imposed by the Resolution 80-198.
Don noted some added terms referring to the Treasurer/services and is not before the Board today. The Treasurer is the trustee of the fund and the Library will do this.
A motion was made by Commissioner McCown and seconded by Commissioner to approve the Multiple Fiscal Year IGA between Garfield County Public Library District and Garfield County and the Chair be authorized to sign.
In favor: Houpt – aye McCown – aye Martin - aye

- ***J. Consideration/approval of Resolution establishing terms of office for the Trustees of the Garfield County Public Library District***
- ***K. Appointment of existing Library Board Members***
- ***L. Appointment of a new member to fill a vacancy on the Library Board***

Lanny Kroh submitted a letter requesting to be appointed to the Library Board to fill the vacancy. He has a business management background with major corporations and is retired which allows him to support community activities. He submitted a Resume for consideration.
A list of the existing members of the Library was submitted and their years of appointment and includes: Cheryl Currier – 1 year – term expires 12-31-07; Lynette O'Kane – 2 year term expires 12-31-08; Nella Barker –3 year term expires 12-31-09; Bill Lamont 4 year term expires 12-31-2010; Laura Wassmuth 4 year term expires 12-31-2010; Linda Levy – 5 years expires 12-31-2011 and appointment as a 7th Board Member Lanny Kroh 5 year term expires 12-31-2011.
Don also noted that Steve Carter and Tom Stuver serve as legal advisors to the Board.
Don submitted the draft Resolution spelling out the terms of office for the Trustees of the Garfield County Library District. The Board had opportunity to review the Resolution and Don requested approval of the Chair to sign the document.
Terms were not established but the Resolution will establish those in Exhibit A.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to accept the terms of the trustees of the office of Garfield County Public Library District as alluded to by their attorney also including the appointment of Lanny Crow.
In favor: Houpt – aye McCown – aye Martin - aye

- ***M. Approval of 2007 Budget for the Library District – Wilma Paddock***

Don explained they are required to put into place a budget under the budget law the same as Garfield County or other entities are required to do and under the provisions of Section 30-11-107 (2) they are required to submit that budget to you for your approval because the sales tax money you contribute to the Library District is actually Garfield county revenue.
Lola Paddock presented and explained the budget document. They are staying with the same budget they had presented when they were a part of Garfield County and have made some adjustments in the facts that we have increased a line item for rental for the administrative offices currently housed in the New Castle Library and to renovate that for the administrative staff if more money than anticipated.

The Budget Worksheet for the Public Library District was submitted for the Board's review. The total net income is projected to be $7,040.67 under the new structure.
Chairman Martin – listed the budget amounts - $2,894,222.40 and the expenses result in a balance of $7,040.67.
Ed stated the remaining fund balance will be transferred to the new district.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the 2007 budget for the Garfield County Public Library District.
Don – the estimated cost of the election is included in the budget – an estimated $20,000.
In favor: Houpt – aye McCown – aye Martin - aye
Cheryl Currier stated the appreciation of the Library Board for the work of the elected officials and the staff.

COMMISSIONER REPORT
Commissioner Houpt – last week's meeting were reviewed but no meetings this week.
Commissioner McCown – Sage Gross meeting.
Chairman Martin – Tuesday – last week met with Dr. McKee in Parachute and a meeting with the Rifle Sportsman Club; Community Corrections on Thursday the 14th; Club 20, Meeting in Sweetwater and road inspection and meeting with elected officials on Tuesday at 9 a.m.

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 & c; carried.

ASSESSOR:
The Assessor's portion was moved to the last item of the day.
REGULAR AGENDA
HUMAN SERVICES COMMISSION – EARLY CHILDHOOD – SANDY SWANSON
Sandy Swanson and Shirley Ritter of Kids First were present. Sandy submitted the trends of Garfield County 2005, 2004, 2003, 2002, 2000, and 1990 comparison by populations and births as part of her written report. She stated the State of Colorado tracks a three risk factor birth index which includes factors of: single mother, less than a high school education, and less than 25 years old. These characteristics are markers of vulnerability for poverty and its consequences.
The total Garco Population is 50,676.
All direct services are being impacted due to the growth and prohibitative due to cost.
They have to raise .5 million per year from donations, grants, state and County.
Kids First
Shirley Ritter – Child Care – reiterated a few points regarding child care. The referral calls have gone up dramatically and heavily loaded with families pregnant, young children and has grown almost to crisis mode. Some statistics and reports were provided. There is a need for more capacity. Yampah Teen Program went through a star rating and received the highest award and deserves huge Kudos for the level of service they provide.
BOARD OF HUMAN SERVICES
APPROVAL OF EBT/EFT DISBURSEMENTS FOR NOVEMBER 2006
Lynn Renick submitted the November 2006 client and provider disbursements for allocated programs totaling $445,140.43 including the Leap and Food Assistance. She requested approval of the Board.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the November 2006 client and provider disbursements for allocated programs totaling $445,140.43.
In favor: Houpt – aye McCown – aye Martin - aye
CONSIDERATION AND APPROVAL OF CONTRACTS SUBSIDIZED ADOPTION AGREEMENT
Lynn submitted the confidential list of contracts for subsidized adoption agreements for the signature of the Chair and requested the Board authorize the signature on the contracts.
Commissioner Houpt so moved; Seconded by Commissioner McCown.
In favor: Houpt – aye McCown – aye Martin - aye
APPROVAL OF FOUR OUT-OF-HOME PLACEMENT CONTRACTS
Lynn submitted the following 2007 contracts for consideration and approval: Y948589 special needs not to exceed $14,760.
Commissioner Houpt moved for approval and seconded by Commissioner McCown.
In favor: Houpt – aye McCown – aye Martin - aye
Alternative Youth Adventures U756507 not to exceed $30,926.74.
Commissioner Houpt moved for approval and seconded by Commissioner McCown.
In favor: Houpt – aye McCown – aye Martin - aye
Griffith Centers Y625962 not to exceed $41,806.59.
Commissioner Houpt moved for approval and seconded by Commissioner McCown.
In favor: Houpt – aye McCown – aye Martin - aye
Alternative Youth Adventures G068888 not to exceed $30,926.74.
Commissioner Houpt moved for approval and seconded by Commissioner McCown.
In favor: Houpt – aye McCown – aye Martin - aye
Alternative Youth Adventures Q627480 not to exceed $28,827.64.
Commissioner Houpt moved for approval and seconded by Commissioner McCown.
In favor: Houpt – aye McCown – aye Martin - aye

2007 AGREEMENT BETWEEN BOCC, GARFIELD COUNTY DEPARTMENT OF HUMAN SERVICES AND GARFIELD COUNTY ATTORNEY

Lynn submitted the contract in the not-to-exceed amount of $90,000 and requested the Chair be authorized to sign the contract.

Don stated this is similar to the ones seen in the past and these are actual costs.

Commissioner McCown moved for approval of the 2007 agreement between the Board of County Commissioners and the Garfield County Department of Human Services and the Garfield County Attorney in an amount not to exceed $90,000. Commisisoner Houpt seconded.

In favor: Houpt – aye McCown – aye Martin - aye

2007 CHILD SUPPORT ENFORCEMENT COOPERATIVE REIMBURSEMENT AGREEMENT WITH GARFIELD COUNTY ATTORNEY'S OFFICE

Lynn submitted the agreement defined as eligible IVD activities within the scope of services and provided the contract for the Board's review. She requested the Chair be authorized to sign the contract. Not to exceed $45,000.

Commissioner McCown moved to approve the 2007 Child Support Enforcement Cooperative reimbursement agreement with the Garfield County Attorney's office. Commissioner Houpt seconded.

In favor: Houpt – aye McCown – aye Martin - aye

2007 PURCHASE OF SERVICES AGREEMENT PROVIDING CHILD SUPPORT ENFORCEMENT SERVICES TO PITKIN COUNTY

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the not to exceed $6,000.

In favor: Houpt – aye McCown – aye Martin - aye

APPROVAL OF COLORADO DEPARTMENT OF HUMAN SERVICES CERTIFICATION OF COMPLIANCE – GARFIELD COUNTY'S 2007 COUNTY MERIT SYSTEM

Lynn submitted the new process and form for Counties to certify compliance with these requirements and submitted the certification for the Board's review. She requested approval of the Board. This was already approved.

PROGRAM UPDATES FATHERHOOD INTIATIVE/HEALTHY FAMILIES PROJECT

Tricia Murray and Joy Davis were present.

Lynn stated that the federal government as well as the State of Colorado has been encouraging the development of programs to optimize absent father's active participation and healthier relationships with their children and toward this effort a new project utilizing funds from the County's Works allocation has been proposed. She presented a power point in the Board's packet for discussion.

Joy Davis said she is excited to get a program started and this is a real change to connect families instead of just paying money. Safeguards are in place when things go bad.

Tricia – Colorado Works has been one of the best in the State.

CHILD ADVOCACY CENTER PROGRAM

Lynn submitted the updates stating a groundbreaking ceremony by the River Bridge Board will be held on January 23rd.

Sheriff Lou Vallario and Judy Martin were present.

Lynn submitted the purchase of services agreement in the not to exceed revenue amount of $6,000 plus incentives earned for the Garfield County DHS to provide services to Pitkin County and requested the Chair be authorized to sign.

Lou and Judy provided the updates and the procedures. Lynn – Child Help USA is the largest non-profit offering child care services. This is a one-stop program investigating child abuse.

Lou added that being connected with Child Help adds credibility and help with the fund raising as well as help with running our center.

Judy – seconded that opinion. To have national experience will be very helpful.

Lou stated the national organization will not be involved in the local operation.

Commisisoner McCown – am I hearing that this group is going to be an advisory group to the Board or am I hearing we're going to farm out the operation of this facility to someone else?

Lou – my understanding is that the national organization Childhelp will only be advisory to the Board utilizing their experience and not involved in local control of our center nor with any day to day operations.

Ed thought there was going to be a director.

Lynn – that isn't certain; that this hasn't been determined.

Chairman Martin – this is just an update letting us know it's there.

Lynn said at this time we'd like to get a nod to pursue this relationship – the program director and the executive director is willing to come and discuss the relationship with the Board.

Commissioner Houpt – thinks it is a valuable avenue to pursue.

Lou – this is a grass roots organization and they are utilizing existing staff but no addition staff at this time.

Lynn stated they wanted to look at this model and hope to bring in the National Child Help organization into the picture.

Commissioner McCown – – the whole project changes every time we talk about it – it goes from week to week and the size and scope of the building change and now the management; the staffing is changing and I'm wondering under whose direction, the Board or who's giving the direction to go down which road here. Voiced concern over the size of the building, the staffing, and the national association.

Lynn – the task board is still in charge of the direction. Lou, Judy, and Lynn and Lorene Gregior with the same program.

Commissioner Houpt – this has always been a revolving program and the focus has not changed.

Commissioner McCown - When they first came in they were looking for a clinically friendly non-partisan arena for child interviews because they didn't feel they have that now, they were looking for a facility, a double wide trailer – now we have evolved into a full blown program, $660,000 stick building and the program has changed significantly and I want to know where it's going from today.

Lou corrected – when this started 3 years ago, we all discussed this and the people on the an ad hoc committee that we were set out to do this facility, with minimal government involvement,then when we brought this to the board I believe it was the county that said this was a good idea and we want to assist and do this facility. Of course this has obviously compounded as these things tend to do but the premise of the Center is still the same. The organizational structure will still be the same, a board of directors created and they won't dictate to the County nor to Lynn's staff but we'll be having staff folks in there for staffing and other reasons so it's an advantage to it but eventually there will be a board of directors comprised of people that have been involved in this project. It will be as independently run organization without or other than, the County has stepped up to do with the building. We will be running this without general fund dollars; we intend to do this off fundraising, donations, attaching to Childhelp, etc. so I still see it as the main focus of the project. We're going to have one place where a kid can go, we can bring a kid to do everything we need in most of the cases and then move on from there.

Chairman Martin – in reference to the legal staff to using a county facility for an organization that isn't under the control of the county in one way or another, we will have to have agreements in references to leases and terminology under GASBY and all kinds of tax implications and insurance and on through so it does not continue to snowball and this Board is being left out and we need to be involved in the process, also in taking on the liabilities.

Lou – this is an information and update. He is aware of the contracts.

Chairman Martin – it is different from the original concept.

Lynn – a lot of discussion but no decisions except if they pursue the relationship.

Ed – we've talked about a director who would reside there, is this still a possibility and can we hold everyone in that building?

Lynn – yes and when brought to the Board in January, no added positions, the director would be paid by fundraising.

Ed reminded them that the footprint of the building is set.

Jan. 23, 2007 is the ground breaking event.

Tuesday – 10 a.m. is the next meeting – 4th floor.

BOARD OF HEALTH

CDPHE IMMUNIZATION SERVICE CONTRACT

Mary submitted the Task Order Change Order Letter for the Board's approval. This is a Garfield County Nursing Service and the renewal term is increased by $4,891.00 for a total of $14,672.00 with CDPHE.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the contract.

In favor: Houpt – aye McCown – aye Martin - aye

CDPHE EMERGENCY PREPAREDNESS CONTRACT

Mary submitted the scope of work for the Pandemic Influenza Phase II contract term November 1, 2006 through August 31, 2007 with CDPHE.

Commissioner McCown so moved. Commissioner Houpt seconded.

In favor: Houpt – aye McCown – aye Martin - aye

ENVIRONMENTAL HEALTH PROGRAM UPDATE – JIM RADA

Ozone Monitoring Program – Summary of 2006 Data.

Jim Rada provided a power point presentation and Andrea Holland Sears – White River National Forest was present as well. This was a joint effort and Jim stated Andrea's office did all the findings for this report.

14 passive monitors were placed and Andrea showed the sites on a map. The monitoring was accomplished during the summer heat season May through September. Two weeks exposure for each site. After two weeks the filter is retrieved and analyzed for nitrates – these are comparable with Ozone. Two continuous monitors were set up at Ripple Creek and Sunlight Peak. The summary of the data collected were shown on the slide. The standard was never exceeded at the Sunlight Peak site. There is some concern and did see some events that were high. Continuous evaluation on these concerns is on-going. The data collected doesn't indicate an ozone problem. The recommendations for 2007 are an on-going evaluation. Andrea stated the fire data was not evaluated yet.

Andrea was not surprised by the data and hesitated to put value judgments. The Bell site and the Ripple site leads to more evaluation.

REGULAR AGENDA PUBLIC MEETINGS:

UPDATE ON VALLEY HOUSING PARTNERS – SUSAN SHIRLEY AND GENEVA POWELL

RECOMMENDATIONS ON CODE CHANGES RELATED TO AFFORDABLE HOUSING – SUSAN SHIRLEY AND GENEVA POWELL

Susan Shirley, Mountain Regional Housing Corporation and Geneva Powell – Garfield County Hosing Authority were present and not represented was the Roaring Fork Community Housing Fund. A power point was presented.

Valley Housing Partners is the operating name.

Susan stated the IGA in 2004-2005 started the Mountain Regional Housing Corporation. A work plan has been completed for the year. 100 people at the Housing workshop in terms of housing, looking at what others are doing and have underway about 100 deed restricted units – Keator Grove and a number of others coming on line and expect this to double in the next couple of year. Glenwood contributed space for the operation as their part of the contribution.

They want to find a project for the $5 million in private activity bonds and hope to have a rental program developed. More senior housing is needed and do need to look at special needs projects as well. Administrative services will continue and expect with the new Valley Housing Partners to offer more visibility and a list of housing available. We will have at least 200 housing units from what is going through planning at the present. Education is another way to support and have educated over 600 people. They expect a 40% increase in these classes. They have added a pre-purchase counseling program for those who wish to purchase their own homes and will work with those on current vouchers. They are exploring land trusts and hope to work community by community and define some strategies focused on these communities.

Geneva Powell submitted a list of discussion items for the BOCC meeting including the objectives.

She said they are looking for more partners with the developers. We have a vision and have been working under three separate structures and bring these into a multi-regional housing agency and have discussed these ideas with Don DeFord. This would be a one-stop shopping. The merger will benefit in raising funds and not

duplicate services and a jurisdiction of all of Garfield County and have IGA agreements with Pitkin AND Eagle County to operate the Section 8 housing voucher's programs. So we're not looking to expand all throughout Pitkin and Eagle County but we do work closely with Basalt and would like to expand the Housing Authority's District from Parachute to Carbondale to move on up to get Basalt in that.

Don – there would be multiple agreements needed and it's not clear how we would operate outside of Garfield County except perhaps as a service agreement to Basalt, but the Towns themselves would have to agree we can operate within their boundaries so we would probably need action by each town council and an IGA to deal with that issue. It is my understanding we're dealing with a private non-profit corporation and that is not clear how we would merge into a government entity.

Geneva – the Housing Authority has a non-profit arm, an Uncle Bob foundation established about the same time the Housing Authority was established to take on funding to help families go into self-sufficiency and also to facilitate affordable housing which is a perfect place for the trust fund to land, it's already a 501.3c., it's in our governance and covered by our by-laws and the trust fund became a multi-jurisdictional agency.

Don – because I'm advising the County, and we're dealing with at least 3 entities, you are going to need your own attorney's to be involved to merge these four establishments.

Susan said they have them in place.

Geneva said they have models to use in the establishment of this one-stop shopping idea. One concern is they are considered the County's Housing Authority and need to move forward with more than the Section 8 and the deed restriction program. This will help the general public as well.

Action – asking for the Commissioner's blessing to go forward and what you would like us to look like at the end and the name, etc.

Commissioner McCown – the County's involvement is in the name Garfield County Housing Authority and broadening the scope of services and provide services with agreements and a management tool so it would be easier brought under that concept.

Geneva – the multi-jurisdictional guidelines are simply for our County housing agency to enter into an IGA with either one of the cities that is already in its jurisdiction or one that's outside. So that's how we would bring Basalt in and we've just had some informal conversations with the town manager and he didn't think that would be a problem. Susan serves Basalt more than we do, except we have our Section 8 vouchers there. We also have Section 8 vouchers in Vail and Aspen but that's under a different program under the Division of Housing they have contracted with us to do those because they don't have anybody else. We do not want to expand anything any further than Basalt except the Section 8 vouchers that we're already doing.

Pitkin County has come forward with some funding for Keator Grove.

Commissioner Houpt – would like to see a Regional Housing including Pitkin County and Aspen.

Geneva requested a renewal of the IGA between the BOCC and the Housing authority to include a $15,000 increase in funding from $45,000 to $60,000 and also a 3rd year funding for the trust in the amount of $27,000, a total of $87,000 for the two contracts.

We'll work with Don DeFord and under your guidance as to how you want us to look at the end of this.

AUTHORIZATION FOR SIGNATURE OF GRANT AND CONTRACT DOCUMENTS, DOLA GRANT AND TAMARISK COALITION – STEVE ANTHONY AND CAROLYN DAHLGREN

The Tamarisk Coalition came before the Board on September 6th and some agreements were made with the Board. In October they received notification on the grant and December 7th the grant contract was submitted. A packet of information was submitted.

Carolyn Dahlgren and Steve Anthony submitted the DOLA Contract and Tamarisk Coalition proposal on a grant request of $95,000. The Board agreed to act as the lead applicant providing a match of $10,000 in 2007 and to act as a pass through for the grant monies fro DOLOA to the Tamarisk Coalition. Two issues were left open – contracts.

Two issues: Contracts and IGA.

Staff is seeking direction from the Board regarding the drafting of an agreement with the entities that have not committed the resources. This includes: Mesa County - $10,000; Delta $5,000 and the Tamarisk Coalition $1,305.

DOLA grants – Carolyn explained the general application of the grants.

Carolyn explained the DOLA contract we authorized John to sign today makes the Board responsible for the other $40,805, some of which has already gone directly to the Tamarisk Coalition but two counties, Mesa and Delta probably, because of the same reason you haven't formerly committed the money, it's 2007 fiscal year money. That is the issue, the DOLA grant makes you responsible for money, that's one of the burdens of being the lead agency.

Commissioner McCown – by including those other counties in this contract, then we'll have to get IGA's with those other entities separately.

Carolyn – it would be one IGA signed by all and then the money will flow through the accounting department.

The type of reporting the County will be responsible for; we will have to be responsible for how this $40,000 was spent, so regardless we are held responsible.

Carolyn – the DOLA contract makes the County responsible for what the Tamarisk Coalition does. The Tamarisk Coalition has to report to the State how they use the DOLA money, each of the County's money and each of the private entities money.

Commissioner McCown is comfortable with us handling the grant money and our $10,000. So is Commissioner Houpt as long as DOLA is okay.

Ed said the entire point of the $40,000 is the match fund so they could award us the appropriate funds.

Steve and Carolyn can address the particulars in the contract in the scope of services and the other private governmental money goes directly to the Tamarisk Coalition and it must be used for this but we have no further control over it.

The request today is that the Chairman be authorized to sign the DOLA contract.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the DOLA grant for the $95,000.

In favor: Houpt – aye McCown – aye Martin - aye

Carolyn - the direction to staff is to go forth with the other counties to make sure and work with the Tamarisk Coalition contract and schedule this for an agenda item in January 2007.

CONSIDERATION/ADOPTION OF GARFIELD COUNTY ORDINANCE NO. 2006-1-ORDINANCE AMENDING ORDINANCE 2005-1 AS SUCH ADOPTED THE INTERNATIONAL FIRE CODE OF 2003 – GLENWOOD SPRINGS FIRE PROTECTION DISTRICT

Ron Biggers, Andy Schwaller and Don DeFord were present.

Don stated this was a published notification and it was in order.

Chairman Martin accepted the notification.

Chairman Martin swore in the speakers.

Don – one legal item noted for the Board and he read into the record; Section 30-15-401.5 controls both the adoption of this code and amendments of it. Under subsection 4 when a fire protection district desires modifications of the Code adopted by the Board of Commissioners within their district they propose those changes and they are affected only upon approval of the Board. The document in front of you is literally the proposal of the Glenwood Fire Protection District under that Statute.

Exhibit – the request to amend in the form of an Ordinance adopting certain amendments requested by the Glenwood Springs Fire Department.

Andy Schwaller presented areas of discussion the BOCC might want to discuss which include fire ban provisions, sprinkler requirements and possible fire alarm requirement. As the amendment is written now, campfires (open burning) would require a permit and would not be allowed between May 31 and October 1.

Ron Biggers requested to open it for public testimony. He explained that the District is part within the County and part in the City and alarm panels. The fire alarms and how it is set up was explained, centralized alarms making it faster and better for the fireman to know exactly where the alarms was generated and on what floor, etc. Addressable systems are less expensive than a straight zone system. A straight zone system doesn't allow the removable of i.e. the fourth floor. A similar situation of the addressable system was related to the post office mail direction system.

Andy stated there is some duplication in the old section and could address these with Ron Biggers.

Ron gave the Fire Code Commission responsible and they eliminated the items in the Code that were not applicable for the County, rather the City.

Alarms, fire bans are public discussion items so Ron knows the direction to go.

Commissioner Houpt – doesn't disagree with the duplication as long as nothing is taken out that Glenwood wants to keep in there.

Don –a red lined version from a concerned citizen was submitted Exhibit A.

Kenneth Smith - a local architect working with the City on the design of the ordinance, offered the redline version and asked to have Exhibit A and the Exhibits submitted by Andy.

These were put into the record.

Exhibits were distributed for discussion. (Included in Board's packet).

Open Burning guidelines were addressed and Ron reiterated the restrictions.

Commissioner McCown – suggested the Open Burning prohibition be removed stating May 31 to October 1.

Ron Biggers stated this allows more contingency with the reality of the situation. People get a misconception of a rainfall.

Commissioner McCown – puts a fire ban restricted.

Don – it restricts open burning without a permit and it changed the original ordinance we have had in the years past. The difference is that the persons make it an absolutely prohibition and takes the authority away fro the Chief.

Ron – Lou wanted to take it out of the County's area and may never reach an agreement with the City code restriction. The website has the permitting restrictions listed. An allowed area or an established burn pit is generally approved except in extreme dry conditions. The restriction allows a call to the Fire Department to authorize.

Commissioner Houpt – want people to be calling them for any burn permit situation.

Commissioner McCown – the restriction needs to be clarified.

Don – as a matter of practice, are there any permits not issued under the time frames May 31 to October 1. He identified the struggle with the language.

Kenneth Smith offered to enter the International Fire Code and see what it says. See his redlined version. He is asking for the County to initiate the fire ban as opposed to the City of Glenwood having the restriction.

Commissioner Houpt – need public education – we don't do that anymore.

Chairman Martin – we haven't done a fire ban as long as the International Fire Ban has been put in place.

Roy Carlyle, Fire Alarm designer and a business owner, voiced his specific concerns regarding tightening up their alarms systems. He feels to deny the Fire Marshall to have the flexibility to request an addressable alarm system is not in the bet interest of the citizens. The newer technology allows more efficient operations. The Hotel Colorado was used as an example of having to go room to room to search the problem. Some buildings are suitable for a single system – a convention system. He suggested and recommended on Section 11 that you do not relieve the fire marshal on making that decision.

Kenneth Smith addressed this public comment. These are very large buildings. There are three different types of alarm systems and clearly identified. What they are requesting is a high tech system and should not be left up to the fire department when the IFC has addressed it.

Roy – the code is a minimum and certainly nothing wrong for looking at something different.

Don suggested the staff work with the Fire Department and bring this back.

Commissioner McCown made a motion to continue this until February 5th at 10:15 a.m. Commissioner Houpt seconded.

In favor: Houpt – aye Martin – aye McCown - aye

Budget continued to afternoon at 2:30 p.m.

PUBLIC MEETINGS: BUILDING AND PLANNING

CONSIDER A REQUEST FOR AN AMENDMENT TO THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR PHASES I AND II OF THE SPRINGRIDGE RESERVE PLANNED UNIT DEVELOMENT. APPLICANT: SPRINGRIDGE AT GLENWOOD SPRINGS DEVELOPMENT CORPORATION – FRED JARMAN

David McCown and Carolyn Dahlgren were present. Commisisoner Houpt recused herself from the hearing due to a conflict with her husband's law firm being involved.

The applicant asked for a continuance. Since the last meeting Sherry Caloia and David met and many of the issues were resolved. Would like to keep working on this and asked to continue this to January 8th. One consideration – sold 17 lots or 18 lots and the B & P imposed a building permit restriction on all lots. A couple of lot owners hoping to break ground in the next month, asked to let the lot owners have building permits but not those for the developers. Before the CO's are done, this should be done.

Homeowners Association – Steve Marshall – we're okay with the building permits with the hope by the time the CO's are needed everything is in place.

Commissioner McCown –made a motion to continue until January 8th, 2007 at 1:15 p.m.

Fred requested clarification and Commissioner McCown stated any building permits after today; there were some issued in error and those need to be occupied, those people have construction loans they need to close. Any building permits issued after today will hinge on the agreements being in place before a CO is issued.

Chairman Martin seconded. In favor: McCown – aye Martin - aye

PUBLIC HEARING: CONSIDER A SPECIAL USE PERMIT FOR FOUR (4) THRITY (30) FOOT TALL COMMUNICATION TOWERS IN THE RL ZONING DISTRICT AND LOCATED APPROXIMATELY 20 MILES NORTH OF THE TOWN OF DEBEQUE ON COUNTY ROAD 211. APPLICANT: CHEVRON USA, INC. – DAVID PESNICHAK

Kenneth Jackson from Chevron, USA; David Pesnichak and Don DeFord were present.

Don reviewed the noticing requirements for the public hearing and determined they were timely and accurate. No documentation authorizing his representation was not available.

Don advised proof of mailing (green cards) and proof of representation are required by the Statutes.

David said there is no letter specifically authorizing Kenneth Jackson but Chevron is the mineral owner and the landowner.

Don continued the noticing testimony.

Neighboring landowners – BLM, Colorado Nature Ranch and Chevron.

The Board reviewed the materials submitted and noted the application was signed by Kenneth Jackson and left it to the applicant to decide to continue and if it is challenged it could be a problem for the applicant.

Chairman Martin swore in the speakers.

David 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 –Staff Memorandum; Exhibit E -Application materials; and Exhibit F – Memo from the County Vegetation Management, Steve Anthony dated 12-11-2006.

Chairman Martin entered Exhibits A – F into the record.

DESCRIPTION OF THE PROPOSAL

The applicant is proposing to construct four (4), thirty (30) foot-tall communication towers for voice and data transfers from the field to the Chevron office in Grand Junction. The sites are on an 115,000-acre parcel, which is already used by the applicant for resource extraction operations. The towers are proposed to be located on a 10'X10' concrete or compacted gravel pad and will have a self-contained electrical supply. These facilities are proposed to be unmanned with no guy wiring or exterior lighting.

These unmanned communication towers are proposed to have a self-contained electrical supply using solar panels and ground-mounted batteries. The applicant states "the towers are to be utilized for the life of Chevron's Skinner Ridge Field which is expected to last at least thirty years."

Vehicles accessing the sites are anticipated to be periodic and limited to repair and maintenance personnel. No other buildings other than the communication structures are proposed. As these facilities are to be self-contained without any human habitation or utilities. No water or wastewater facilities are proposed. To this end, water pollution and storm water management are not anticipated to be issues with this development.

BACKGROUND

Referral to Planning Commission

This application was brought to the BOCC regarding referral to the Planning Commission on November 6, 2006. The BOCC elected not to refer this application to the Planning Commission.

SITE DESCRIPTION

The four communication towers are proposed to be on an 115,000-acre parcel owned by Chevron USA Inc. and located approximately 20 miles north of the Town of DeBeque on County Road 211. The area is primarily utilized for grazing and oil and gas extraction operations.

The proposed Communication Towers are considered to be unmanned facilities. As an unmanned operation, the facilities require no water or sanitation services.

The application states trips to and from the communication towers will be limited to periodic maintenance and repair. As there will not be frequent visits to these facilities, staff feels the proposed access roads will be adequate to handle the vehicle trips. In addition, all access roads will be on Chevron USA Inc. property and no new access points will be necessary from any county right-of-way.

The applicant states three of the four towers will not be visible from any public vantage point and will not impact adjacent properties. One of the towers is located approximately 100 feet from the end of County Road 211 and will be visible from the end of this public county road. In addition, it will be 115 feet from the Shell Frontier property. As these towers are only 30 feet tall and will be self-contained, staff does not feel the visibility of this tower is a

substantial externality of this development and does not foresee any further impacts on either the public or adjacent property owners.

Section 5.03.13 [Broadcasting Studio and/or Communication Facility]

Pursuant to Section 5.03.13 of the Zoning Resolution, a permit for Communication Facilities requires such facilities be approved by the Federal Communication Commission and the Federal Aviation Administration, where appropriate. In addition the following standards will be used in the review of application for a communication facility:

The applicant states "the transmission and receiving equipment and antennas for the proposed use will comply with the Federal Communication Commission regulations for the class of equipment and frequency emissions." Staff suggests conditioning approval of this permit on written confirmation that these facilities are within the guidelines of the Federal Communication Commission.

The applicant states "whenever possible, Chevron will co-locate communications facilities at existing sites. However, for the proposed use there are no other suitable facilities that would provide the service Chevron needs for its operations." Given the remoteness of this parcel, staff does not see co-location is an option in this location. However, staff recommends placing a condition of approval that these towers shall be available for co-location of other equipment should it be technically feasible.

The four towers are proposed to each be 30 feet high. There is no structural height limit in the Resource Lands Zone District.

STAFF RECOMMENDATION

Due to the limited nature of potential impacts to surrounding properties, Staff recommends the Board approve the request for a Special Use Permit for Four Communication Facilities in the Skinner Ridge area 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.

a. The Applicant shall provide a calculation and map indicating the amount of surface to be disturbed by the construction and operation of the four (4) proposed communication facilities.

b. The Applicant shall provide Garfield County with a $4000 per acre revegetation security based on a 10-15 year timeframe. 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.

c. The Applicant shall provide a site rehabilitation plan that details the removal of equipment and associated infrastructure. The plan shall provide for revegetation of the site and associated roads once the facility is no longer in use.

d. The Applicant shall provide a Soil Management Plan which is to include 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 site exposed for a period of 90 days or more.

5. 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.

6. If applicable, 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 Communication Facility sites once the life of the Communication Facilities has ended prior to the issuance of a Special Use Permit. If the COGCC does not require reclamation and revegetation bonding, the applicant shall work with County Staff to establish a bond appropriate to guarantee reclamation and revegetation of the four (4) Communication Facilities.
7. That all proper building permits are obtained for the structures associated with the operation of the Communication Facilities.
8. Written confirmation from the Federal Communication Commission indicating that these facilities are within all specified federal guidelines. This confirmation shall be submitted prior to the issuance of the Special Use Permit.
9. The communication facilities must be available for future co-location and the denial of a landowner/lessor co-location on a site shall be based on technical reasons, not on competitive interests.

Applicant: Kenneth didn't have any additional comments. He didn't see any problem with co-location is that is a request.

Commissioner McCown asked if co-location and other space is necessary, is it fair for the applicant to assume the other co-use. Also reclamation of the road since they have the ability to build a road on their own property.
Don said both uses of use of the tower would forego use of the co-location and would be a technical issue.
David – roads specific to the towers, they are necessary to reach the towers. No new roads would be built for these towers.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing.
In favor: Houpt – aye McCown – aye Martin - aye
A motion was made by Commissioner McCown to approve a Special Use Permit for four (4) communication facilities for Chevron USA Inc. with the recommendations 1-9 provided by Staff." Commissioner Houpt seconded.
In favor: Houpt – aye McCown – aye Martin - aye

CONSIDER A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT LOCATED AT 544 COWEN DRIVE IN THE TOWN OF CARBONDALE - APPLICANT: KENT JONES – DAVID PESNICHAK

Kent Jones, David Pesnichak 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.
David 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 – Staff Memorandum; Exhibit E -Application materials; Exhibit F – Email from the Town of Carbondale Attorney, Mark Hamilton dated 12-5-2006; Exhibit G – Memo from the Town of Carbondale Utilities Director, Ed Fortner dated 11-1-2006; Exhibit H – Well Permit Number 64970; Exhibit I – Memorandum of Water Allotment Contract from Basalt Water Conservancy District, Contract No. 506; Exhibit J – floor plan for the dwelling; Exhibit K – Copy of the Building Permit; and Exhibit L – the CO No. 892 dated July 20, 1982.
Chairman Martin entered Exhibits A – J into the record.
Chairman Martin swore in the speakers.

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 on a 5.23 Acre parcel described as 544 Cowen Drive in the Town of Carbondale. The proposed ADU will be a mobile home. The existing driveway is off Cowen Drive (Town of Carbondale) and will be used as access to the proposed ADU.

Pursuant to a letter from the Town of Carbondale Utilities Department Director, Ed Fortner (See Exhibit G), the Town of Carbondale has committed to provide the proposed ADU with both water and sewer service. In addition, the Town has committed to providing the new 3900 square foot home in the back of the property with only sewer service. The applicant has provided a well permit (See Exhibit H) and a Memorandum of Water Allotment Contract with the Basalt Water Conservancy District for water service to the main residence (See Exhibit I). The well permit allows for indoor residential use for one unit with no irrigation rights. This standard is met.

Main access to the proposed ADU will be from an existing driveway. This driveway is accessed directly from Cowen Drive. Since Cowen Drive is a Town of Carbondale roadway, any necessary access permits will need to be obtained from the Town of Carbondale. Any necessary grading permits shall be obtained from the Garfield County building department. This standard is met.

The proposed ADU is in character to the surrounding properties and should not adversely impact surrounding owners. 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 5.23 acres, which exceeds the required minimum required for an ADU. The proposed ADU will be on a portion of the property that has no slopes exceeding 40%. This standard is met.

The applicant has provided documentation that the gross floor area of the existing unit which is proposed to be converted to an ADU is 1461 square feet. Staff will need a floor plan with dimensions of the unit demonstrating the proposed unit to be converted to an ADU is in fact less than 1500 square feet. The property is taxed at 1536 square feet. The Applicant is proposing to exempt a 75 square foot "utility room". This standard is a proposed condition of approval.

There is no Homeowners Association or restrictive covenants on this parcel. This requirement is not applicable

The Town of Carbondale has submitted a letter indicating water service will be provided by the Town (See Exhibit G). This standard is met

The Town of Carbondale has submitted a letter indicating sewer service will be provided by the Town (See Exhibit G). This standard is met.

The Applicant understands that only leasehold interests are allowed in the unit. This standard is met.

The structure to be used as the ADU is an existing manufactured home. The Applicant has submitted a letter by Kurtz and Associates, Inc. and signed by Brian J. Kurtz, PE stating that "The foundation system is a 'permanent' foundation as defined by HUD's "Permanent Foundation Guide for Manufactured Homes…It is my professional opinion that the structure is capable of safely resisting a design snow load of 40 PSF". This standard is met.

The floor plan was submitted and received notification of the size of the utility room and a standard condition of approval was that a floor plan be submitted.

David asked that recommendations 8 & 9 be removed.

David stated the staff could not recommend approval due to the size of the unit. He illustrated the length that he would be over the standard. Upon doing the calculations he has been forth right and could wall off a closet so he will not be oversize.

Commissioner McCown – stated this was a moot point.

If the Board waives the requirement:

RECOMMENDATION

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 comply with all standards, conditions and regulations required by the Town of Carbondale to obtain water and sewer service for the ADU.
4. The applicant shall obtain any applicable Garfield County access and grading permits.
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. Prior to the issuance of this Special Use Permit, the Applicant shall submit a floor plan with dimensions of the existing home in order to demonstrate compliance with the 1500 square foot limit for Accessory Dwelling Units.
7. The accessory dwelling unit shall not be conveyed as a separate interest but may be leased.

David recommended these conditions 8 & 9 be removed.

~~8. Prior to issuance of this Special Use Permit, the Applicant shall supply a photo or other documentation of the manufactured home's model code insignia (IBC, UBC or HUD label).~~

~~9. It appears that no building permit has been issued to the manufactured home, which is proposed to be used as an ADU. Prior to issuance of this Special Use Permit, the Applicant shall supply a copy of the issued building permit for this structure or the Applicant must obtain a building permit for this structure.~~

~~Close PU~~

RECOMMENDED MOTION

Commissioner McCown made a motion to approve the Special Use Permit request for an Accessory Dwelling Unit for a property located at 544 Cowen Drive with the recommendations 1-7 striking 8 & 9 as proposed by Staff. Commissioner Houpt seconded.

In favor: Houpt – aye McCown – aye Martin - aye

PUBLIC HEARINGS: DISCUSSION ON THE 8TH SUPPLEMENT TO THE 2006 APPROVED BUDGET AND THE 8TH AMENDED APPROPRIATION OF FUNDS – PASTY HERNANDEZ

Don DeFord and Patsy Hernandez presented.

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.

Exhibits A and B were submitted.

Chairman Martin swore in the speakers.

Patsy explained this is to be the final budget supplement for 2006. She explained Exhibits A and B and the purposes for the amendment.

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 1st supplemental to the 2006 approved budget and the 1st amended appropriation of funds.

In favor: Houpt – aye McCown – aye Martin - aye

APPROVAL OF SALARY SURVEY APPROACH – ED GREEN, PATSY HERNANDEZ AND MARK BELL

Ed gave the background stating in the years pass Judy Osman did the salary survey focused in this region based on 12 local hits. In the last two years she has been diligent in updating the job descriptions and wanted to have an independent firm to take into account the regional and national and the reason whey they hired Gallagher-Byler. In the budget to be discussed they incorporated the 4 +1 salary adjustments and Ed informed the Board that they would probably need more.

Pasty adjusted this based on performance reviews and brought this to the Board for review. Six scenarios were submitted and a target was set at 95% and allowed for equity increases and add performance increases. Anyone above the 95% would be paid a cash award and the result was $450,000 and $873,000 was added and the other was a one-time basis. The Board asked to share this with the department heads and in most departments it was well received, but 3 elected officials had problems and investigated further – Clerk, Assessor and Treasurer no matches on a local level. So, we decided based on the input we would go out to local entities and enhance the survey. Mesa County and Eagle County, our closest neighbors were contracted and we got information from them. Macro level, yes indeed there are some in the Clerk, Assessor, and Treasurer, it would mean a comp ratio – A – bigger performance and added to their base rather than a cash payout. Also found out we need to make equity in DSS and Public Health and a few in Shannon's – apply those then the total adds $100,000 1.3 and end up shifting more of the load to the base rather than a one-time award.

Chairman Martin submitted the spreadsheets to Mildred, Shannon and Georgia. We are trying to apply the scenario of the salary approach and know there are issues to make adjustments in February and use this as the approval and work out with the three elected department.
Commissioner Houpt asked to hear from the other elected officials before a decision is made.
Don – asked, until this point, the salary survey has been a deliberative document and is made public.
Discussion:
The Board did not feel they were there yet.
There was a lengthy discussion and the elected officials gave their input regarding the survey and the salaries.
Don – the pay and compensation classification plan and becomes binding of the elected officials only and need at some point a written agreement to accept the pay and classification plan.
Commissioner Houpt – requested an Executive Session.
Don made it clear that if there is a conflict Don represents the Board and if there is a conflict, not certain the executive session is not the correct forum.
Commissioner Houpt – a commitment was made to meet with the elected officials.
Don – this is a policy discussion and is a public discussion between the Board and the elected officials. It would not make a document a public document. It is okay to hear from the elected.
Mildred – we received the printout Friday afternoon where Mark had gone to Mesa and Eagle and there is more to it than this sheet. We don't have the comparatives. Deputy County Clerk is a statutory position and that should have been there, no comparisons Clerk 2, 3, and 4 – they call them different things – administrative clerk, and etc. and needs more time as to what it is going to do and asked not to adopt the full survey – it's a work in progress.
Ed – only adopt the salary survey and adopt about a $1.3 and need to re-class the entire survey.
Mark Bell – job titles to survey – can use and adjust anything questioned. Logistical information, job descriptions not up to date and a job for 2007 – find something generic.
Mildred picked up all job descriptions – it's a work in progress.
Ed – bring in January a finished product that list all the equity adjustments. Today the BOCC needs to decide if they want it at the 95% and if so it will add more to base.
Patsy – when Dept heads and elected officials, looking at 95% as the max – some are over, those under work at getting them up to the 95% and some are below the 95% comp level, some have been in six years and some 22 years. Can we have not compensation – get them at 100% for the long term rate – no recognition for long-term employees?
Commissioner Houpt – helps eliminate compression and a worthy point.
Ed – consider this is for 2007 and if you want to go back to base for 2008 this simply spreads the load this year.
Commissioner McCown – could set the cap at 110% next year for 2008.
Commissioner Houpt – the point is 2 things: 1) what Patsy said and the other is 2) 95% - connected the 95% toward the goal to move up those up that are at a low level and then set the cap level.
Ed – you set the goal for both in the directions.
Patsy – county for a long term and bring them to 95% and this is clearly not for longevity.
Commissioner Houpt – equation fixed the problem.
Ed – spread experience and time with us over a 5 year period at 85% and up to 95% - or if someone with good experience can bring in at 88% to keep.
Georgia – 95% of just mid-point and we should be striving for higher excellence and paying the employees and show we value them; so she has a real problem with the 95% of mid-point of the market. Ed presented earlier and indicated that the survey we had for clerk's were hits from the Watson survey and that has never been given to her – on hits for clerks in her office is zero.
Ed – in lieu of local hits, they used the Watson Wyatt data from the national index. It is proprietary data and they won't share.
Mark – there are some source documents that were to be mailed to us and once read and hopefully understood them then Mark can share them.
Georgia – not enough information to feel good about the survey done. Not a lot of confidence in what we've been doing quickly. Closest neighbor is Pitkin County and no information given to her. That is how we compete with for our employees and we are competing and not getting the applications and will hurt the performance and Hurt the county in doing the work. Has seen the entire survey but only her department for raises or non-raises. Even with the raises, the department does not compete with other departments and have a problem – clerks in other departments are in different levels than hers. A clerk in human services and accounting may be called a clerk I but they have varying duties and therefore I'm having trouble adopting a concept – suggest we move forward and adopt new job descriptions when information is available and then we can become more confident with what's being presented. Understand what we're discussing is on concept.
Jesse reminded the Board the job descriptions were made up of just a few lines and what you are paying for is the level of responsibility and the level of accountability. And a Clerk II is one department may not have the same level of authority and responsibility as a Clerk II in another department. It might equate to a Clerk I or Supervisor of one or something of that nature, so you really have to compare at that level not job titles.
Commissioner Houpt – not adopting hard numbers today but a reasonable salary structure for this county. An approach – things need to be refined and new numbers and maybe get Pitkin county's wages – they may have fallen short on some departments but an extensive survey and infuse monies into the budget and is this approach after we fined tuned or go with the 4 -1 which is significantly lower. Concept – not finished with this discussion – but if adopted today it is the tool and several hundred though and into the survey or keep working and use the 4-1. Goal was to see how we fit into this market in comparison with public and private entities and see how we rate. Figure out before the budget is adopted.
Shannon has a presentation and a submittal; she thanked everyone for working with us – not just set in stone.
Chairman Martin – elected officials need to understand to change the job description – to fit into the salary surveys.
Shannon – up to date. No comps for Sean. And Lisa's and need to combine this.
Ed - Anomalies and can deal with these
Chairman Martin – Sheriff had the same – and need to do this with the elected and make sure the approach is good.

Shannon – go with the most money we can get. Better service if we can retain the people.
Commissioner Houpt – it's reasonable to look at these numbers and review the bottom line.
Shannon is for the concept. She submitted a handout – hard to compare with who does what and submitted the survey within the different counties. Eagle County is paying more than all other counties – we are competing with Pitkin and Eagle. Mesa doesn't pay as much but lead the market and paying their people above the mid-point.
Jesse – keep in mind, a salary survey can not be done using job titles. Create a 3-4 line to clearly articulate the level of responsibility and skill and compare that – a level of responsibility and accountability. Not the same levels in all departments.
Commissioner Houpt – they looked at the job descriptions and need to look at job descriptions and people do serve different purposes and the question is do we wait until we've accomplished or do we work on these based on the report. We have the information in front of us and try to move forward with a better salary structure. Department heads and supervisors – very quickly –
Mildred – contacted Pitkin and Eagle –they use their mid-grade and are hiring in at $14.00 an hour. Hiring somebody not even trained – we train staff and then lose staff to realtors, title companies in the private sector and the thing that bothers me in the salary survey is that we paid for the survey and then Mark had to go out and determine what the other counties are doing.
Fred Jarman – questions – clarification – concept – very appropriate – talk about the 95% comp – not even the market to discuss – lead the market.
Ed – Board has made a concept to be a lax concept – and finally got an average of 95% and a lot of the bottom and a lot at the top with 110% and trying to even it out.
Commissioner Houpt – part of the problem – when you say 100% and you say they are on top but they are really in the middle. A public entity and can we ever compete with the public sector. Our goal is to provide services and through the year and not break our budgets – take into account the 5 years and analysis the types of raises that private industry does now – a huge part of balancing this end.
Chairman Martin – we train them and then the private hires them away. We will never top the private sector. A choice and a risk for public employee and a private entity. We need to make a decision.
Shannon –on the bonus to be given – lump sum one time performance – not just to everyone.
Ed – given to employees above 95% or above
Shannon – if they are an employee not performing well – no.
Ed – grading of performance review. It you graded them proficient – if not they won't get it.
Jesse – lead or lag – lead people made the decision because they wanted the very best and expected the very best 110% - lead hired fewer and asked them to put out.
Commissioner Houpt – doesn't mean this is an important decision but not enough information to be comfortable to infuse a couple million dollars – incredible people working with a high rate of living. We need to do work.
Patsy – concept – goes with the 95% and come back to us and some tweaking with a person at a level that doesn't make sense. Give us a couple of weeks to come back.
Ed – down to about 20 jobs based on the sheet to be adjusted.
Decision time
Commissioner Houpt – realistically it will come out to the 1 + 4 with the tweaking at this point. We felt certain enough to move forward to hire a professional consultant to do a salary survey – we know that we have seen and illustrated we are behind and need to work hard and bring people up and not putting out budget in jeopardy for future years. Like us to continue to look at the 95% and the 110% but because we haven't finished having the discussion for 2006, like to give this new approach a try and made a motion to adopt this salary structure as presented conceptually and have staff continue to refine within the perimeters of an amount not to exceed $1.4 million dollars.
Commissioner McCown – seconded.
Commissioner McCown – our Mitigation fund that we established this morning would just be a little in excess of the raises we gave today – that's a little insight on what we're creating and I know our employees are invaluable but should there ever be a hic-up in this economy we're seeing right now, you'll have some of the higher paid supervisors and no body working for them.
Commissioner Houpt – true and huge adjustments will need to be made but the reality is the 44.1 was $750,000 so it's that much more on top of it.
Commissioner Houpt clarified her motion saying I expect it to be more in line with $1.3 million.
In favor: Houpt – aye McCown – aye Martin - aye

Executive Session – personnel issue on Don's and Ed's contracts for 2007

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

CONSIDERATION/ACTION ON 2007 LETTER OF ENGAGEMENT – COUNTY ATTORNEY
CONSIDERATION OF 2007 LETTER OF ENGAGEMENT – COUNTY MANAGER

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the contract letter for both the County Attorney and the County Manager and the chair authorized to sign.
In favor: Houpt – aye McCown – aye Martin - aye

ADOPTION OF THE 2007 BUDGET AND APPROPRIATION OF FUNDING – ED GREEN, BUDGET OFFICER AND PATSY HERNANDEZ, FINANCE DIRECTOR

This is a public hearing with notification. Don DeFord and Patsy Hernandez were present.
Don stated this met the requirements.
Ed submitted the background saying it was presented on October 13, 2006 and there have been modifications based on meetings with elected officials and department heads. The graphs and metrics will come after the approval of the budget and will submit this for an award though the GUFA?

The draft of the Resolution shows the attachments and they are submitted with it.
Houpt – complimented the fine job and kudos were given to Linda Morcom.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the 2007 budget as presented.
In favor: Houpt – aye McCown – aye Martin - aye

LEVY AND CERTIFICATION OF TAX LEVIES – SHANNON HURST
Shannon submitted the certification for the Board's review.
This is a public hearing.
Chairman Martin swore in the speakers.
Landis Creek and certification of levies and revenue, once recorded it will be given to the tax administration and the school finance office.
Landis Creek was discussed – Brad Eman sent the email and the problems were identified. Never received the results of the election. The second issue was that on our records this is not a metro district at this time and Shannon read the email into the record where he was asking "please certify the mill level at 35 mills on both Landis Creek Metropolitan District No. 1 & 2 with the present assessed value at zero" so when he said that then I go, that's zero. Brad said yes. "The District understands and accepts that it will not collect any property tax revenue based upon these mill levy certifications in 2007. We understand that you office will submit an estimated 2007 assessed value of the District in August 2007 and a finalized 2007 assessed value of the district in December 2007. The District will use those numbers in evaluating its 2008 mill levy certification and property tax collection efforts." Shannon asked him why they want to do this way and he told me they were getting ready to develop this, this is a special district and that he wants people to know that there is a mill levy out there because you have specific statutes you have to follow in special districts. So, when Shannon did the report, she put 35 mills in here with zero assessed value. Not sure if that's okay with Don DeFord.
Don has never run across this before. There needs to be some legal authority to impose a mill levy. Given they are not asking it generate revenue for next year on this specific district that you go ahead and certify the levy subject to a demonstration that it's been properly certified with the Secretary of State, that way you won't have to come back.
Certification of Levies
A summary was submitted and Shannon reviewed those on the record.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the certification of levies and revenues with the provision that a certification of an election for the Landis Creek Metropolitan District I and II be verified prior to that taking effect.
Don confirmed that Shannon will take care of all transmissions required by statute to the various state offices and Mildred will do the certification for the election because they did a mail ballot election.
In favor: Houpt – aye McCown – aye Martin - aye

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____