

## BOOK OF MINUTES 2012

January 3, 2012

### PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO

#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### INVOCATION

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

#### REGULAR WORK SESSION:

#### 1. County Sheriff Update: Lou Vallario

##### a. Sign Search & Rescue Contract

Attachment SAR Contract

Attachment Search and Rescue FINAL

Attachment SAR First Amendment

Lou Vallario - The only item I have today is the signing of the Search and Rescue contract.

Commissioner Samson - I would move to approve and authorize the chair to sign the contract with Garfield County Search and Rescue.

#### MOTION

Commissioner  
Samson

#### SECONDER

Commissioner  
Jankovsky

#### VOTE

UNA by roll call vote

#### 2. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.

##### a. Approve Bills

##### b. Authorize Chair's signature Memorandum of As-Built - Dever A

Attachment DeverA-Pipeline

##### c. Authorize Chair's signature Memorandum of As-Built and Amendment - Easement and Quitclaim

Attachment DualWaterPipelines

[Attachment DualWaterPipelines](#)  
[Attachment DualWaterPipelines](#)

**d. Authorize Chair's signature Memorandum of As-Built and Amendment - License/Permit**

[Attachment Pipeline License-Permit](#)

**e. To authorize the Chairman to sign the Final Partial Release and Final Acknowledgement of Satisfaction of Subdivision Improvements for the Sun Meadows Estates Subdivision. Applicant is Sun Meadows Estates, LLC (Fred Cooke) - Fred Jarman**

**f. 2012 Ambulance Licensing**

Commissioner Jankovsky - I would make a motion that we approve items b, c, d, e, and f on the consent agenda. On bills, we will take action later today. Dale submitted the ambulance licenses for the Chairs signature for Carbondale, Glenwood, Burning Mountain, Rifle, Grand Valley Fire, Transcare and West Eagle County Ambulance District.

Dale Hancock - Those represent the agencies I've requested for signature and attestation by the Clerk so we can properly license these agencies to do ambulance emergency transports in Garfield County. They are all technically correct and due diligence has been performed.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Jankovsky	Commissioner Samson	UNA by roll call vote

**3. County Manager Update: Ed Green**

**a. Public Meetings:**

**i. Community Development Academy - The Sonoran Institute**  
[Attachment Development Academy](#)

**ii. Request for discretionary monies for materials for senior accessible gardens at Community Gardens of Glenwood Springs Wulfsohn Mountain Park Garden - Marilee Rippy**

Marilee Rippy was not present. Ed Green stated we would contact her to see when we can re-agenda this item. Chairman Martin suggested contacting Judy Martin since this references the senior programs.

**iii. Ratification of appointment of David Merritt, Colorado River District Board, 37-46-104(1) C.R.S. - Andrew Gorgey**

This is the ratification David Merritt's appointment to the Colorado River District Board. The board approved that in concept on the December 5, 2011. Drew - This is back on the agenda because of a very strict reason, first at Mr. Merritt's request based on the governing statute, 37-46-104(1)C.R.S. which requires the Board to make this appointment at the first meeting on the new year. Some of the District Boards are involved in lawsuits; this is truly crossing all the t's and dotting all the i's.

Commissioner Jankovsky - I'll make a motion this first meeting of January 2012 that we approve and ratify the appointment of David Merritt to the Colorado River District Board pursuant to CRS 37-46-104(1).

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Jankovsky	Commissioner Samson	UNA by roll call vote

**iv. Request for approval of a contract extension with Sandy's Office Supply - Jamaica Watts**  
Attachment SandysOffice

Jamaica requested an extension of the existing Sandy's Office Supply contract for one month. That contract expired on December 31, 2011. We solicited for bids in November. They have been received but there's some verifying that needs to be done. The request is to extend this contract to January 31, 2012.

Commissioner Samson – I would move that we approve a contract extension with Sandy's Office Supply until January 31, 2012 and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Samson	Commissioner Jankovsky	UNA by roll call vote

**v. Request for approval of and authorization for the Chairman to sign the contract extension with Correctional Health Care Management, Inc.-Gene Duran**  
Attachment Correctional Health Care  
Attachment Correctional Health Care

Commissioner Samson - I would move that we approve the contract extension in a not to exceed amount of \$170,045.26 with the Correctional Health Care Companies Inc to extend until the end of February 2012.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Samson	Commissioner Jankovsky	UNA by roll call vote

**vi. Request for approval of and authorization for the Chairman to sign the**

**contract with State of Colorado, Department of Corrections, Division of Correctional Industries-Gene Duran**

**Attachment CommCorFoodService**

Commissioner Samson - I would move that we approve the award of renewal of the contract to CCI in an amount not to exceed \$197,000 to provide food services.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Samson	Commissioner Jankovsky	UNA by roll call vote

**vii. Request for approval of and authorization for the Chairman to sign the contract with Garfield County Search and Rescue, Inc.- Gene Duran**

**Attachment SAR Contract**

Commissioner Samson - I would move to approve and authorize the chair to sign the contract with Garfield County Search and Rescue.

**Discussion**

Commissioner Jankovsky – I'd like to take this time to thank the S&R for the work you do for our county, a lot of volunteer time in a large county with a lot of rough country, different and changing climates and weather conditions. Drew – Commissioner Samson, the state statute reference 24-76.5.101 subsection 3 does include the reference to federal law as it appears in the agreement and for the record that this State's reference to lawful presence in the US shall not be required and Subsection E3 for programs, services or assistance as they are necessary for the protection of life or safety. To the extent that our volunteer services or county services fall into that topic you would not be required to show any type of citizenship credentials.

Lou – The other thing, which many people do not realize, is oftentimes GSAR does help surrounding counties. We have a good relationship with all the regional counties, they help us and we help them. Otherwise it's been working well and a great relationship, good folks, keep up on their training and we've seen an increase in needs for responses.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Samson	Commissioner Jankovsky	UNA by roll call vote

**viii. Award of the Garfield County Investment Advisor Services Agreement-Gene Duran and Georgia Chamberlain**

**Attachment InvesmentAdvisorServices**

Commissioner Jankovsky - I will make a motion that we accept the direction of the Treasurer and the group that put together this RFP and select Cutwater Asset Management as our investment advisory for the year 2012.

## Discussion

Georgia - My understanding is this is a one-year contract with the ability to be renewed over two additional years. Commissioner Jankovsky asked Georgia for her thoughts on the investment committee. Georgia replied that Ernie Gerbaz was the citizen at large on the prior committee and he resigned a couple of years ago. It is important to have someone from the outside, I think a 3-member investment advisory board is small enough and it would be beneficial to staff from the finance department because of coordinating the cash flows with the investment climate. She didn't have anyone in mind for the citizen at large. There are many retired investment people in the community that wouldn't have any strings attached to any institution but would have the knowledge, experience and background that would be helpful. Chairman Martin things the Board will revisit this.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Jankovsky	Commissioner Samson	UNA by roll call vote

## ix. Recommendation to award a contract to Office Depot for Printing and Stationary - Jamaica Watts Attachment SandysOffice

Jamaica made a recommendation of staff that the Board award a contract to Office Depot in an amount not to exceed \$160,000.00 for the purpose of printing services and stationary supplies.

Commissioner Jankovsky - I will make the motion that we award for printing and stationary to Office Depot in the amount not to exceed \$160,000.00.

## Discussion

Commissioner Samson - I have a question on the sheet that we have here, the abstract of offers. Where is the total? Ed – It's a unit price abstract so you don't have a total. It is a not to exceed amount. Jamaica alluded to the abstract for the bid amounts.

Commissioner Samson - You have a total here of \$160,000.00. Jamaica - That is an estimated amount on indefinite quantities and indefinite deliveries contract with a not to exceed amount. Ed - We have no idea what is actually going to be ordered because this service is provided to all the different departments in the county and the elected officials. It depends upon the need. Commissioner Jankovsky - Do the individual departments then order this or do you guys order in bulk? Jamaica - No, they order directly. Ed - Basically, it's a telephone order system. Commissioner Samson - The reason I asked is I cannot believe there is such a difference, some are like 4 times as much. Gene – We've had communication with the County Attorney's office and this is a very old statute on the books that requires the county to go out every year and bid this out. Really, it does not reflect the modern state of printing. The best I can think of was the possibility of a strong union that printed documents that wanted contracts and therefore required governments to go out every year and bid. Now, with the technology and the needs of the county it seems somewhat archaic to require the county to be limited to one particular printer. Arapahoe County rather than dealing with it, they have

their own printing shop within house. It's a large county and they can do it, but for a smaller county there are many different needs that need to be met and to require us to go out every year is difficult. This has been a major point of controversy for this county and other counties because the purchasing department will issue a memo and say, if you go to anybody other than this printer, you may be responsible personally for the cost. It should not get to the point where the state can dictate to the county to go out to bid every year but put it on the county to enforce the requirements of the state. It is somewhat of an unfunded mandate. It is a political issue to be dealt with in the future. It would be nice to put it under a service agreement where we award the contract and then allow for extensions versus the administrative costs of going out yearly to put it out for bid. Jean - I have to tell you I had a real issue with us having a contract with Office Depot last year because we wanted to make it much easier for my staff to send out multiple renewals in one envelope if we could get an envelope window in the correct spot. We sent in our specifications and yes, they could do it but they were requiring us to buy 10,000 envelopes. There's no way we are going to use that many in five or six years. I know the new contract does not have that specification that you have to get x number of envelopes to get your product done. Jamaica - Yes, there's no required inventory in this contract. Drew - For the record, however cumbersome you are following the statute by going through this procurement and to the extent you or any other county wants to seek a change in the law, we know how to do that but for now you are following this law.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Jankovsky	Commissioner Samson	UNA by roll call vote

### **Budget in Packet**

Ed - You have in your packet the monthly financial report for November 30 and it looks real good.

### **Staff Issue**

#### **4. County Attorney Update: Andrew Gorgey**

##### **a. Authorization of Chair's signature on Amended Boundary Line Adjustment Plat - Valley View Hospital - C. Dahlgren**

##### **Attachment ValleyView Plat**

Commissioner Jankovsky - I'd make a motion that we authorize the chair to sign an amended and corrected boundary line adjustment plat for Valley View Hospital once it's signed by Mark Beckler.

#### **Discussion**

Commissioner Jankovsky - With that, where are we with Valley View Hospital on the potential of negotiations. Drew - The chair met with me last week and the direction was and I've been contacted by counsel from the hospital, who's been in contact with Ms.

Dahlgren and we're trying to convene our working group representatives from the County, the Chair, Drew and representatives from the hospital in the first quarter. It is progressing but no new news. Chairman Martin - Our tentative agreement is still in place (verbal right now).

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Jankovsky	Commissioner Samson	UNA by roll call vote

**b. Consideration/approval of Amendment to 2011 Child Support Enforcement Cooperative Reimbursement Agreement - M. Baydarian & A. Gorgey Attachment Child Support Enforcement**

Commissioner Jankovsky - I make a motion that we approve the 2011 child support enforcement cooperative reimbursement agreement between the Board of County Commissioners acting on behalf of Garfield County Department of Human Services and the Garfield County Attorney's office as presented. Chairman Martin - For clarification I believe it started at \$42,375 and it is now \$54,625. Commissioner Jankovsky - I believe the Department of Human Services is getting a good deal.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Jankovsky	Commissioner Samson	UNA by roll call vote

**Special Meeting**

Drew - There is a scheduled recognition of Carolyn Dahlgren's career in this room on Friday at 3:00 p.m. There are a few moving components to that and I did not know because all three of you are planning to be here whether you wanted to recognize that as a Special Meeting for that date and time for that purpose at least for a few minutes of that 2-hour block.

Commissioner Samson - I would move that we set the time of Friday, January 6 from 3:00 p.m. to 5:00 p.m. as Special Meeting of the Garfield County Board of County Commissioners for the purpose of Carolyn Dahlgren's retirement recognition party.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Samson	Commissioner Jankovsky	UNA by roll call vote

**Executive Session**

Commissioner Samson – I would move we go into an Executive Session. Drew - Is there public action to follow? Chairman Martin responded there is always the possibility of public action but we'll determine that and see if there is any.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Samson	Commissioner Jankovsky	UNA by roll call vote

Drew - The topics of the executive session were limited to the topics announced on the record. Chairman Martin and direction was given for acquisition of property etc. No other decisions were made.

### **Termination of Ed Green – County Manager**

Commissioner Jankovsky - I would like to make a motion and Ed this is affecting your position. I move that the Board of County Commissioners exercise its option under the engagement of the services agreement with the County Commissioners to terminate his services without cause, notice given today which is January 3, 2012 effective through February 3, 2012 the County Manager shall be placed on administrative leave and paid all salary and normal customary benefits through and including February 3, 2012. He's entitled to all payment consistent with his employment agreement, with that said I do this not lightly and I want to acknowledge your services to the county. The county has made great leaps and bounds under your direction and I wish you success in the future. Chairman Martin – It's a heavy duty and Ed you have been a fantastic administrator and I've supported you all along and I wish you the best of luck. You are a great person. Ed - Is there a reason? Chairman Martin - It's without cause. Commissioner Jankovsky - It's without cause and it's our option as the Board of County Commissioners to make that decision and we have done so; it's without cause, not with cause and it is part of what we took on a year ago and looking at the overall operation of the county and the organization chart and just feel as the three county commissioners it is in our best interest and the best interest of the county.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Jankovsky	Commissioner Samson	UNA by roll call vote

Commissioner Jankovsky - I do have a second motion, I would like to move that as an interim county manager, we select Andrew Gorgey effective immediately and with that done it will give us time to look at the organization of the county and make choices toward a new county administrator.

### **Discussion**

Chairman Martin – It's a very emotional issue we have in front of us today and what it amounts to is we want to make sure that we have the options to review and look at the organizational chart and make recommendations.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Jankovsky	Commissioner Samson	UNA by roll call vote

**LUNCH - Noon**



## COMMENTS FROM CITIZENS NOT ON THE AGENDA

### REGULAR AGENDA: BUILDING & PLANNING ISSUES

1. County Attorney Update - Land Use Issues: Andrew Gorgey
2. Public Meetings:
3. Public Hearings:

### COMMISSIONER ISSUES

#### a. Approve Bills

Commissioner Jankovsky - I would make a motion with those updates that we approve the detailed bills for 12/21/2011.

#### **Discussion**

Commissioners Samson - I would like to know where the money for the Roaring Fork Conservancy and what account that came out of. Commissioner Jankovsky - They were in front of requested \$20,000 and us in December. We did not make a motion at that time. We said we would have to see where it was in the budget. That may be appropriate to pull that bill. Chairman Martin - Except for that one item, we need to have follow-up on that Mr. Gorgey in reference to the information on that line item, bring it back so we can make a determination if that is to be paid or not – the \$20,000 to Roaring Fork Conservancy. Absent that one line item, there is a motion to approve the bills and warrants. Commissioner Jankovsky - I do have concerns about us spending 2011 money for 2012 business which is if we have training going on in 2012 budget and not pre-paid for line item Lundy bill page 19 of 30. Truly, if that's 2012 business was there funding for training and specifically for this type of training in that finance budget in 2012. It is more appropriate instead of using 2011 funds we use 2012 funds. Chairman Martin - We will have a clarification on Warrant #149175 paid on page 19 of 20 a total of \$13,020 for Lundy Professional Development Services Inc. Drew - We want to ensure that \$13,020 is paid out of the 2012 budget not the 2011 budget. Commissioner Jankovsky - Then services paid out of the 2012 budget. Drew - I will handle that immediately and the \$20,000 line item for the Roaring Fork Conservancy is being set aside for further review. Commissioner Jankovsky - Yes, to me it is a 2012 expense being paid in 2011 when you are paying dues to an organization in December of 2011 it looks like it's a 2012 expense. That's what I would like to do. Drew - You are approving everything except those two for further review. Chairman Martin - Is that accepted by the Second. Commissioner Samson - Yes.

#### MOTION

Commissioner  
Jankovsky

#### SECONDER

Commissioner  
Samson

#### VOTE

UNA by roll call vote

**b. Commissioner Calendars and Reports**

Commissioner Samson - Tomorrow we have 8:00, 9:00 and 10:00 a.m. work session meetings. Commissioner Jankovsky - I just saw an email it had a change, which was the RFTA board was going to be here at 10 a.m. to meet with us as opposed to 8 a.m. On our Work Session, it shows 8:00 a.m. Commissioner Samson - That is correct. Commissioner Jankovsky - Perhaps move Jim Rada up to 8:00 a.m.; keep Katherine at 9:00 a.m. and RFTA at 10 a.m. Commissioner Samson - Friday from 3 to 5 retirement party for Carolyn Dahlgren; Monday in the BOCC room. Question, do we have a meeting with Silt at 6:30 on Monday. Commissioner Jankovsky - Are we going to have an answer for them. Drew - You gave me the target of the 9<sup>th</sup> and my backup is two weeks. I will do my best to be prepared. There is a lengthy column in the local paper from one of the Town Trustees on the subject of Economic Development and Urban Renewal Authorities. Commissioner Jankovsky - By chance we cannot get the information can we know by the end of this week so we can inform the Town Trustees of Silt that we are not ready to meet. Drew - Yes, for the record the Mayor was present and he was present when we set that meeting on the 9<sup>th</sup> and we'll give him and the other trustees advance notice. Commissioner Samson - Tuesday, January 10, Fairboard meeting 6:00 p.m. in Rifle, Drew and I will be attending that at the Events Center; Thursday - January 12; I have AGNC in Battlement Mesa at the fire station. Commissioner Jankovsky - On the 12<sup>th</sup> at Aspen Glen we have an invite from Jeff Carlson to meet with Scott Tipton. Tomorrow at 2:00 p.m. with the CNG committee for Garfield Clean Energy and one thing that will happen is RFTA is going to announce they will go with CNG for 18 new buses and potential 3 retrofits; meet with Herb at 9:00 a.m.; on Thursday the Blue Pit guys, Bill Roberts; and at 11:00 a.m. Finance Authority Committee meeting here. I would like to meet with some of the applicants for P&Z and might try to do that before we have them come in front of us. Commissioner Samson - Would it be appropriate to have them come and talk to us some evening, just visit with them. Commissioner Jankovsky - Yes, I think sometimes one on one you can get a better understanding. Chairman Martin - Fred sent out an email on who was considering appointment for the committee, the new applications that have come in and we'll probably see some more. Drew - I have a correction; the location for the meeting for the Garfield County Finance Authority is the County Attorney's conference room. Commissioner Samson - We need to discuss recycling with the City of Rifle at a meeting we have with them. I'm getting phone calls from people all over the Rifle area, they've lost their recycling and they want something. I keep telling them we were going to meet with them in December and there was a mix-up, and we were put on their regular City Council Agenda, which is not what I wanted. We didn't show up as we didn't know about it so I've been telling City Council members as well as members of the community that we're going to meet with them in a workshop setting in January sometime. I want us to do that if possible. Chair Martin - I just received a message from Rifle that the meeting in January is going to moved to February. Commissioner Samson - If you could get us a date as soon as possible please Drew. Drew - For a joint work session with the Rifle City Council. Commissioner Samson - There may be other things to discuss but one specifically is what can we do for recycling. Drew - I'm confused by the topic because the Commissioners attended a work session with the

City of Rifle regarding their change of vendor getting out of the municipal waste hauling enterprise and the winner in their procurement, a condition of the procurement was to provide recycling services. Commissioner Samson - Let me explain what happened, everyone in the City of Rifle that has waste service gets two bins, one is for paper and the other is for comingling of all kinds of stuff. So everyone that has a trash can in the city limits of Rifle gets that recycling service. What they used to also have and got out of it evidently is big bins located at the new Public Works Building east of Rifle and anybody and that's where the county people who live around Rifle brought their recycling. The City discontinued that service so the people that live on the outskirts of Rifle have nowhere to recycle. That's who is calling me as a county resident saying can you help us to do something so we can recycle again. Commissioner Jankovsky - In addition to that subject I would like to talk to the City of Rifle about their position on oil shale development under the Oil Shale PEIS. Chairman Martin - I start legislation this week in reference to CCI on public lands on Friday, January 6 by telephone; we are meeting twice in Denver on Fridays, the 2nd and 4th Fridays. We will review all the legislation that comes up and I will share and if anybody wants to be on some steering committees please let me know. Commissioner Samson - The one I want to be on is public lands but you're on it. Chairman Martin - I can't step aside; I am the chair. Commissioner Samson - That would not be prudent. Chairman Martin - Pay attention to that and it will be at CCI with all of their information coming out daily on the different bills that come through. You can go to their website on legislative issues and if you have any input on any of the bills please let me know. I can take that forward. If there is an issue, I need the Board's opinion or position I will bring it to the Board and go from there. Commissioner Jankovsky - One update, I met with Mary Baydarian, Human Services Director and the supplemental funds, which have been appropriated in Colorado about \$17 million a year for Human Services, are being cut by the federal government and right now that affects Garfield County primarily in Child Welfare. She has about \$225,000 in her reserve for Child Welfare and she doesn't see any issues for the next two years. She is working with her staff to try to be proactive to keep as many children in the County as possible and not have them outsourced. She is trying to work with the court systems. She does see that at some point it may be the federal government where it comes down to until the time it's on our shoulders. At this point, we are in fairly good condition. She is being proactive in trying to direct her employees etc to get them educated so we can keep as much of the child welfare services in the county and not have it outsourced. This is a huge expense. The only exception for that would be a child has a severe risk to their health and welfare. Chairman Martin – There's no vendor in the State sometimes, there are only a few in the nation that take those severe disability issues. That's good that she's on top of that issue.

**c. Approval of Minutes**

**i. Special Meeting, October 24, 2011**

**ii. September 19, 2011**

**d. Commissioner Agenda Items**

## **ADJOURNMENT**

January 4, 2012  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO  
WORK SESSION**

### **Letter to Mr. Greg Winkler, the regional manager of Colorado Department of Local Affairs**

Commissioner Samson - I would direct that we send a letter to Mr. Greg Winkler, the regional manager of Colorado Department of Local Affairs, thanking him for his help in the financing and construction of the West Parachute Interchange and authorize the Chair to sign and send to him immediately.

### **Instruction to Acting County Manager Drew Gorgey**

Commissioner Jankovsky - I would like to instruct our acting County Manager Drew Gorgey to get in touch with Phil McKenney of Peckham and McKenney and ask him to start immediately to help us search for a county manager, a contract drawn up or whatever to take care of that and tell him, if possible get this done within 3 months. This is direction only.

Drew - All the elected officials and department heads are supportive and helpful in my duty as Acting County Manager. We are expecting a positive, smooth and professional transition.

## **SPECIAL WORK SESSION**

### **a. Healthcare Benefit Considerations - Katherine Ross 8:00 a.m.** **Attachment Healthcare Considerations**

Katherine Ross submitted a handout than explained the changes for July 1, 2012.

### **b. Final EHMS Design - Jim Rada 9:00 a.m.** **Attachment EHMS Design Memo** **Attachment EHMS Design**

Jim Rada handed out the design memo for the EHMS design.

### **c. RFTA CNG Effort - Dan Blankenship 10:00 a.m.** **Attachment RFTA CNG**

Dan Blankenship handed out the attachment and explained that RFTA would be ordering 18 buses that for use Compressed Natural Gas (CNG).

**January 9, 2012**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

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

Robert Zelenka said on October 3, 2011 he sent a letter to the commissioners regarding an incident on a county road; he reported it to Road and Bridge but never got any response.

Drew is aware and received the letter and he turned it over to risk management and forwarded the claim to our insurers CTSI. Drew is waiting to hear back from them for guidance.

**REGULAR WORK SESSION:**

**1. Assessor Update: Jim Yellico - Abstract of Assessment and Tax Levies for 2011**

**Attachment Assessor Abstract**

Jim handed out a copy of the Abstract of Assessment and Tax Levies for 2011.

**Drew Gorgey – Update on County Manager position**

Drew - Under item 5 today is an executive session and later in the agenda, it indicates a noon lunch with the consulting firm of Peckham and McKenney. The items are the same.

**2. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**

- a. Approve Bills**
- b. Inter-Fund Transfers**

- c. **Changes to Prior Warrant List**
- d. **Liquor License Renewal for Nepal Restaurant Glenwood Springs, LLC dba Nepal Restaurant**

[Attachment Nepal Liquor License](#)

- e. **Ratification of 2011 payment for Roaring Fork Conservancy**

[Attachment Roaring Fork Conservancy](#)

Chairman Martin - Do I have a motion to approve the consent agenda?

Commissioner Samson - I would move that we approve the Consent Agenda, items "a" – "e".

Commissioner Jankovsky - I would like to say I did look at the Roaring Fork Conservancy Bill and that is a 2011 bill. At some time in the future, when that 2012 bill comes before us, I'd like to discuss what the benefits are for \$20,000.00.

MOTION

Commissioner  
Mike Samson

SECONDER

Commissioner  
Tom Jankovsky

VOTE

UNA by roll call vote

**3. County Manager Update:**

**a. Public Meetings:**

**i. GCE/CLEER Discussion of Garfield County joining with Weld County and City of Grand Junction on CNG issues; possible partnership to accelerate adoption of CNG - Tom Baker & Mike Ogburn**

[Attachment CollaborationCNG](#)

Mike Ogburn and Tom Baker presented the suggestion to consider whether the commission would be interested in taking a certain level of the county compressed natural gas effort and raising it to a multi county effort. We have talked initially to Weld County, the City of Grand Junction and to Mike Samson. There seems to be some interest. This would be much more of a government-to-government collaboration with CLEER and the Western Slope. The CNG collaborative can collaborate with you on coordinating but it would require staff involvement at many levels. The concept here would be to organize our Western Slope effort of governments; say Grand Junction, Mesa County and Garfield County to develop a similar plan as the Weld Smart Energy Plan.

Chairman Martin indicated you have our blessing to go forward and work with them as much as we can.

Commissioner Samson asked who do we want to put as our point person.

Chairman Martin would that be staff or from this Board.

Commissioner Samson was thinking staff.

Commissioner Jankovsky definitely thinks Matt Hutchison needs to be involved in this from motor pool. Then I think from a planning standpoint it would be Fred's staff especially if they start looking at a plan for the county and the region, where we think

stations should be etc. Fred Jarman said Tamra and I would partner to see what support we could give. We need to get clear direction from the Board.

Commissioner Samson gets excited when you start talking about having other counties in this region involved. I hope there might be some other counties from Weld, maybe even La Plata down in the south and start making this a united effort on the state level. I got excited when I heard the governor say Al Schroder.

Drew to Mike and Tom, the counties you are targeting for this effort have already been working together for about the last year regarding redistributing Federal Mineral Leasing funds. Multiple counties have established Federal Mineral Leasing districts. The purpose is to redirect those proceeds faster back to the communities of impact. Garfield County has a Federal Mineral Leasing district, so does Weld and Mesa. There's a piece of legislation that will be introduced in about 10-days to modify the original act and give the districts more direction. He couldn't think of a more directly correlated purpose than the one you are talking about. There's already a collaborative infrastructure in place; the same commissioners, same county attorneys and frankly as Commissioner Samson pointed out if you already have support of the governor's office and a particular person on the issue, that's very positive. I think it will advance quicker than they might think.

Fred - Commissioner Samson, when is the next AGNC meeting?

Commissioner Samson it's this Thursday; the next one will be February 9<sup>th</sup> in Rifle at 10:00 a.m. however, doubting he could get you on the agenda for Thursday but will definitely get you on the agenda for the February 9<sup>th</sup> meeting, if you would like me to. Mike O. will follow up with the staff about what a plan might look like. There is intentionally a lack of plan, as we wanted to make sure we had support at the county level.

Commissioner Jankovsky – Is there a motion on the table?

Commissioner Samson - Do we need a motion to direct the staff?

Drew – No, just direction to staff and I believe you have indicated interest in committing the necessary steps to make this happen in your discussion today.

**ii. Bookcliff, Mount Sopris & South Side Conservation District progress report  
- Charles Ryden & Brett Jolley**  
Attachment Conservation District Report

Brett Jolly - President of the South Side Conservation District, one of the three districts in the valley, we help the county with their weed plan and all the farmers, ranchers and landowners in the valley with their land. Education is probably our biggest thing. Without the commissioners help we wouldn't be able to do it. Brett gave an in-depth report.

**iii. Williams/WPX Energy - Donna Gray & Susan Alvillar**

Susan Alvillar emailed a presentation to the commissioners. Some time ago their CEO, over 400 days ago, announced that the company was going to separate into two companies. I am remaining with WPX, Donna stayed with Williams. We are here to tell the commissioners what the difference is and what they both do. Donna Gray presented a Power Point giving a run down on what Williams is today. Susan will



continue to do their business on the gas processing side. WPX is a brand new standalone company; it was capitalized through Williams initially. It is trading on the market as WPX.

**iv. Recommended Agricultural Land Lease - Brian Condie**  
**Attachment Agricultural Land Lease**

Brian Condie stated with the airport expansion we had to cancel our agricultural land leases because they had no perimeter fence, no way to keep the animals in. Now that the project is completed and the fence is completed that land is now available again for agricultural land lease or other uses if the commissioners wish. At Dale's request, Brian brought photos and handed out to board.

Drew had some minor suggestions on the lease as presented and added several recommendations in some of the paragraphs. The lease is a year-to-year expiring in 2016 and used that because it was the term previously. We can do a simple one-page renewal as a consent agenda item.

Brian would like to keep the 5-year term in case the land values change.

Commissioner Jankovsky asked why we would allow them 10 licensed vehicles on the leased premises.

Brian because in the past, they have had ranching operations so they brought vehicles in to shear the sheep or load the cattle and stored their ranching equipment on the property. This is approximately 48 plus acres with a lot of Tamarisk on it. There is water available for animals but not for irrigation. It is in the lease if the creek goes dry, the leasee has to provide water and food for their animals.

Commissioner Jankovsky - I'll make a motion we approve the Garfield County Regional Airport agricultural lease with Michelle Monger with renewal on an annual basis and with the termination clause, the requirements our attorney has mentioned.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

**v. Update and Approval of the Airport Minimum Standards and Rules and Regulations - Brian Condie**  
**Attachment Airport Documents**

Brian Condie - This is the annual review of minimum standards and regulations to keep current and some changes made such as airport users and tenants. The airport user meeting was held on December 13, 2011. I wanted to get their feedback before bringing it to the Board.

Drew – The minimum standards document contains strike throughs and all the additional language is in red.

Brian - There were no objections to any of the items in the packet now. A couple of changes were made to the old standards. We changed the title from Airport Manager to Director and put in a few definitions so the ones in red are new. The rules and



regulations have been updated to the new prices. With the new ramp, we have purchased a safety vac system to clean up any fuel spills. We had two large fuel spills last year, which were over \$7,000.00 each to clean up. Now that we have the safety vac system, I have put in a requirement to be used on any spills over 5 gallons. This will help preserve the ramp and keep it operational. The use of the lavatory station at the airport in the past has gone right down the manhole to the sanitary sewer. Now that we have an approved lavatory station, we require everyone to use it and the reason for extra fees.

Commissioner Samson – What if someone does has a spill of that magnitude are they charged.

Brian – Yes, they are. The other major item was the increase in the FBO required facilities. Right now, it is just a 20,000 square foot building and we recommended having a 1,500 square foot repair facility along with a 2,000 square foot storage aircraft facility; a substantial change. Atlantic Aviation has recommended going even higher because the FBO has more than doubled the minimum standards. If another FBO wants to come in, they should have the minimum repair and storage facilities for their customers.

Commissioner Samson - I will move that we authorize the approval of the airport minimum standards and rules and regulations as presented with changes.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**vi. Request for approval of and authorization for the Chairman to sign the contract with Clean Energy Economy for the Region ("CLEER")-Gene Duran and Jim Rada**

Attachment CLEER Contract

Gene Duran - This is for the pass through money through Boulder County and Denver and it is for the Better Buildings Program in an amount not-to-exceed \$219,655.

Commissioner Jankovsky - I would make a motion that we renew this contract with CLEER and allow the Chairman to sign and the renewal is not to exceed the amount of \$219,655.

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	CARRIED Commissioner Martin -nay

**vii. Request for approval of and authorization for the Chairman to sign the contract with Eastern Research Group-Gene Duran and Paul Reaser**

Attachment Eastern Research Group

Gene Duran, Jim Rada and Paul Reaser presented the agreement with Eastern Research in the year 2010 for the year 2011 for a sole source agreement with Eastern Research Group for air quality monitoring. November 28, 2011 there was a quote of \$129,807.00.

Jim Rada for clarification, part of the CDPHE contract we have every year is funds for we the data management and data analysis element as well as the report preparation for the county. I apologize for the discrepancies, but I received this on Friday and apparently, Gene got something different.

Drew said these changes could be made in about 5 minutes. Can we have a redrafted agreement with the correct attachment and be ready at 1:00 today?

Commissioner Jankovsky asked Drew to verify as it sounds like you added Carbondale to the mix and that didn't get into the packet.

**viii. To consider signing a letter to the Bureau of Land Management regarding Garfield County's position on the Draft Resource Management Plan and Draft Environmental Impact Assessment for the Colorado River Valley Field Office - Fred Jarman**  
**Attachment BLM RMP**

Fred Jarman presented the BLM RM Plan. BLM did extend until January 17. Alternative "A" supports the multiple use purpose of the plan but the fact is they don't believe those alternatives actually then go in support that stated purpose of the plan. The letter essentially says because we can't support any of the alternatives it is a default position to go to Alternative "A".

Chairman Martin said there's a little bit of editing we've come up with Fred and asked him to meet with Tom.

Commissioner Jankovsky said they still have one more meeting to finalize this; David Ludlum represents the West Slope Oil and Gas Association. This involves Eagle, Pitkin and Garfield County so if they get together as cooperating agencies they will have a strong presence from Pitkin County. He was at a meeting in Eagle actually at their community center and Pitkin County was having a full-blown community meeting on this. This document is huge and it's somewhat disturbing on some of the issues. For February 22 there is a cooperating agency meeting with BLM. No action now changes to be made by Fred Jarman and presented at the January 16 meeting,

**4. County Attorney Update: Andrew Gorgey**

**5. Executive Session**

- a. Pursuant to §§ 24-6-402 (4) (b) and (e) C.R.S. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the Board of Assessment Appeals (Nabors drilling) and receipt of legal advice on specific legal questions regarding same.**

Drew Gorgey thanked the Commissioners for holding a special meeting last Friday at 3:00 p.m. to honor Deputy County Attorney Carolyn Dahlgren's career.

Executive session – Commissioners this is the same as your noticed lunch with the Peckham and McKenney Firm. The basis for the three of them being together with him at the same time he is in effect the negotiator for them regarding the executive search for Garfield County Manager with the Peckham and McKenney Firm.

Commissioner Jankovsky - I move we go to executive session to determine matters as presented by our county attorney.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**LUNCH - Noon      Peckham & McKenney Firm**

**5.      Executive Session**

Commissioner Jankovsky – I move we come out of executive session.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Chairman Martin said no action was taken on Nabors and no final decision was made on the County Manager.

Drew said that's correct Mr. Chairman and I have delivered the tape back to the Clerk and Recorder when there was about a 15-minute lunch break. I did have to flip the tape once; I turned it over as soon as I noticed that I needed to. I do believe that I captured the whole meeting. There is no public action just to the extent that anyone is monitoring, the search firm has been retained and they have been given their instructions.

**Eastern Research Group**

Drew - This is item 3a vii as was continued from this morning, the contract with Eastern Research Group.

Commissioner Jankovsky - I will make a motion that we approve the contract with Eastern Research Group in the dollar amount of \$129,807.00.

**Discussion**

Commissioner Jankovsky - I made this comment to Drew, I find it fascinating or interesting that we have the equipment that collects the data, we have a group that takes the data, reads it and they send it off to another group who gets it on a spreadsheet. Then they send it on to CDPHE so they can get a health report on it. It seems like there might be a place for somebody in the future to consolidate it.

Chairman Martin - What it amounts to is the transparency of the testing procedure and the scrutiny in which it goes through, I think is one of the reasons.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

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

No public comments.

### **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

#### **1. County Attorney Update - Land Use Issues: Andrew Gorgey**

#### **2. Public Meetings:**

##### **b. Community Development Academy - Sonoran Institute** **Attachment Community Development Academy**

Clark Anderson gave the update on the educational program that Sonoran Institute has used in two different places; what it's about is engaging leaders from the community and having an informed discussion around the future and how a community is going to develop and grow. The folks the commissioner brought in on economic development and Ford Frick was recommended.

Commissioner Jankovsky said he spent time on their website to get a better understanding who and what is the Sonoran Institute. It's a conservation group. Where I sit philosophically, I am very much in favor of less government intrusion, less government regulations, rights of the private landowner, and rights of our capitalist society and so on. I am not a person in favor of open space, wild lands as that becomes almost government intrusion into private property rights or in some cases what the rights are on public lands I think it become an intrusion on what I'd been raised and believe in as far as working on government lands and it's multiple use.

Chairman Martin said my grandmother used to tell me, if you only listen to your friends, you only hear what you want to hear and sometimes you might want to hear other things. I think that it's a good philosophy, aligned with it or not they need to go ahead and have their participation, listen and express their own points of view.

Commissioner Samson - In terms of the questions about the organization, they are a conservation organization. I think they are unique with the ability to see all sides, be practical and really try to address some issues out there. That's why they have long looked at issues like growth for example and said this is something that is happening; it's coming. It brings a lot of opportunity. I hope they are providing a service long term for the community.

### **COMMISSIONER ISSUES**

#### **Update on the Planning Commissioner Members**

Fred gave the Board an update. The deadline for getting letters back into you all or to me is January 17 to apply. The board could make a decision on the February 13.

### **Update on the Garfield County Finance Authority Board**

Drew - They reappointed themselves as directors according to their by-laws as they are a separate non-profit entity. The president of that board is now and remains Dan Like, Vice President is Greg Rippey, the secretary and the treasurer is Jay Rickstrew from Alpine Bank. This concerned the reserve funds of approximately \$730,000.00, which were returned to the trustee by Bank of America pursuant to an agreement to hold it for 10 years. The trustees need direction about how to reinvest. The funds are safe and the finance authority will meet again at their annual meeting on April 10.

#### **a. Commissioner Reports**

#### **b. Commissioner Calendars**

Commissioner Samson - There is a cancelled meeting tonight at 6:00 p.m. in Silt correct. Chairman Martin - That is correct. Commissioner Samson - Tomorrow a Fair Board meeting and I will be attending; do you plan on attending? Drew will and has some comment on the Fair Board in a moment. Commissioner Samson - Wednesday I assume they will all be here about 5:30 for the festivities for Phil Vaughan. Thursday at 10:00 a.m. is an AGNC meeting in Rifle. I will be talking to a round table scouting group concerning public service. Did they have any good ideas? Commissioner Jankovsky - Wednesday is my big day; I have the Human Service Commission in the morning and Garfield Clean Energy in the afternoon and I will be there for Phil Vaughn's retirement. Thursday I will go to lunch in Aspen Glen and Representative Tipton should be there. Chairman Martin will meet with an advisor with information on access tomorrow morning at 7:00 a.m. at the Base Camp. I will then assist a person trying to become Ag classified at 10:00 a.m. at the Assessor's office. Wednesday P&Z, Thursday at noon I will be at Aspen Glen as well. Friday the 13<sup>th</sup> I will be in Denver learning all about the protocols of running a good meeting with CCI. It is a four-hour course trying to run consistent meetings throughout the state in reference to the Board of County Commissioner meetings. What's worked, what doesn't work, if you should make decisions one way or another, how you present arguments, how you present public items and all the other things. That is a scheduled meeting for chairs, vice chairs and steering committee leaders. Drew - With respect to the Fair Board, the current state of affairs, you have approved the 2012 budget, which includes the Community Development Fund, the Fair Fund, which had been a separate standalone fund has been extinguished but it really just moved to a different part of the budget in the Community Development Fund. The board also extended the contract for the month of January of your event coordinator; I cannot remember the business name. Commissioner Jankovsky - Valley Events. Drew - Thank you, Valley Events and at the Fair Board tomorrow night, my understanding is they will finalize that agreement. I will have some time tomorrow with Commissioner Jankovsky to go over the contract just as a preliminary matter. They will come back before you for public comment on the contract next Monday so they can have that piece finalized. I am bringing it up in this way because all the other different moving parts that concern the Fair all need to be

modified and modernized. There's a resolution that governs the Fair, there are other funds related to the Fair, livestock, auction and so forth, there are the By Laws; I am just trying to get all that clarified and I think I can get it all done by tomorrow night. I have been working a little and Lisa Dawson has been emailing me. She has done some work on this also. I think they will have it all wrapped up and I hope to have it done by next Monday. When you see this next Monday there are issues about lines of reporting, for example, who is the Valley Events contract between you and her that company. How much authority are you comfortable delegating to your Fair Board? Your Fairboard is invested and you will not find a more committed group of volunteers than them. Where does their authority start and stop? How much reporting do you want back, how frequently do you want it? Transparency and funding I know were big issues for Commissioner Jankovsky; who's going to have decision making authority, what role does your professional staff play; Lisa. They have some ideas about how to meet all needs there. It is very encouraging to see that group talk about the Fair. All they want to do is have a good Fair. To reduce all that to writing is my job and I think I can get it done first by tomorrow night and then have it finalized by next Monday. Commissioner Jankovsky - Mike will be at that meeting tomorrow night. Commissioner Samson - Yes, 6:00 p.m. at the event center at the Fairgrounds.

**c. Approval of Minutes**

**d. Commissioner Agenda Items**

**ADJOURNMENT**

**January 16, 2012**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

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

**REGULAR WORK SESSION:**

**1. County Clerk Update: Jean Alberico**

**a. Authorization for the Chair to sign a resolution setting precinct boundary changes previously approved by the Board**

**Attachment Reso Adopting Precinct Changes**

Jean – The Board requested I bring the changes we made in the precinct boundaries. She gave an account of the changes in Carbondale, Aspen Glen, New Castle and the Rifle area based on size of the precincts and in Rifle due to the House District 61. The maps are attached. I am asking for adoption of those changes.

Commissioner Samson - I would move that we approve the Resolution adopting our new precinct changes.

Chairman Martin - This will be available by web and posted in your office.

Jean - Rob has already taken care of that for us. It is already on the website and we have new large precinct maps. We have made all this information available to both parties and provided them with new maps.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**b. Approval and authorization for the Chair to sign a resolution authorizing the County Clerk to conduct the June 26, 2012 Primary Election as a mail ballot election**

**Attachement Resolution 2012 Primary Election**

Jean Alberico submitted a request conduct the primary by mail due to greater participation, more convenient for the voters and less expensive. She is asking that the Board give me authorization to conduct the 2012 primary election as a mail ballot election. 68% of our registered active voters are permanent mail-in voters.

Commissioner Samson - I would move that we approve the Resolution and authorization for the County Clerk to conduct the June 26, 2012 Primary Election as a mail ballot election.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**2. County Treasurer's Update: Georgia Chamberlain**

**a. Finalization of Garfield County Banking Services Agreement (Alpine Bank) exhibits and addendum**

**ATTACHMENT 2012 Addendum Banking Agree 2011**

Drew Gorgey is asking to continue this until the morning of February 6 please.

Commissioner Samson - I would move that we move the County Treasurer item, Finalization of Garfield County Banking Services Agreement with Alpine Bank until the morning of February 6 meeting.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote



**b. Investment Advisory Services Contract - Finalization with authorization for the Chairman to sign - Georgia Chamberlain and Gene Duran**  
[Attachment Investment Advisory Agreement](#)

Georgia Chamberlain, Gene Duran and Drew Gorgey presented.

Commissioner Jankovsky - I will make a motion that we approve the Financial Service Contract with Cutwater Asset Management.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**3. [1st Amendment to the 2012 Budget - Lisa Dawson](#)**  
[Attachment 2012 Budget Supplement #1 Exhibit A](#)

Chairman Martin - This is a public hearing and notice is required.

Drew noted the Commissioner's notice of this hearing was published in the Citizen Telegram on January 12, 2012. I have reviewed it, it is sufficient for this morning's purpose.

Chairman Martin swore in the speakers.

Ann Driggers, Special Assistant of Administrative Services submitted Exhibit A and B explaining the supplement to the 2012 approved budget.

Commissioner Jankovsky - I would move to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky - I will make a motion that we approve the First Amendment to the 2012 Budget as presented and I will say that I appreciate the thorough explanations.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**4. [Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.](#)**

- a. Approve Bills**
- b. Authorize Chair to sign Resolution Concerned with Establishing Office**



**Hours and Work Weeks for the County Offices and Specifying the Schedule of Regular Meeting Days and Locations of the Board of County Commissioners for 2012**

[Attachment Reso Estab officehours work weeks and schedule - 2012](#)

Commissioner Samson - I would move that we approve the Consent Agenda, Item A - approving the bills and B - the Resolution concerning Establishing Office Hours and Work Weeks for the County Offices and Specifying the Schedule of Regular Meeting days and I would request that along with that the County Clerk and Recorder besides advertising just what we have here as the designated offsite locations that we also advertise in the appropriate newspapers the days that we scheduled Town Hall Meetings and Meetings with the Municipalities with those dates.

Drew - Mr. Chairman the posting locations are included in the Resolution, but only for special or emergency meetings; the statute does require you to reaffirm posting locations for all meetings. I would ask that we be allowed to make that as an administrative change in the Resolution so the public will know where to look for posted meeting notices for all of your meetings.

Chairman Martin - That would be an amendment to the motion if we include that.

Commissioner Jankovsky - Should we pull this out of the Consent Agenda?

Commissioner Samson - I'm talking about the Town Hall meetings and the Municipal meetings that are not listed here.

Jean - Are you talking about publication in the newspaper or actual posting of those locations?

Commissioner Samson - I was just talking about the notification in the newspapers. That's not part of this Resolution, correct. This only includes our official meetings and the special offsite location meetings.

Jean - And the posting and the agendas in the newspapers are done by your Administrative Assistant, not my office. My office makes sure the agenda is posted in our building, this building and wherever we have special meetings.

Commissioner Samson – Drew, I guess that is a separate thing for you then as a request for you as the Acting County Manager to make sure those special Town Hall meetings and meetings with the municipalities prior to the Town Halls would be advertised in the appropriate time in the newspapers so people would know about those.

Drew - All right.

Chairman Martin - So you are not amending the Resolution.

**MOTION**

Commissioner  
Mike Samson

**SECONDER**

Commissioner  
Tom Jankovsky

**VOTE**

UNA by roll call vote

Commissioner Samson - Now the direction, I would like to give to staff i.e. Acting County Manager to advertise in the newspapers the Town Hall/Municipal meetings that we will have throughout the year.

Chairman Martin - I agree.

Commissioner Jankovsky - Do we have dates on those meeting at this time.

Commissioner Samson - I don't.

Chairman Martin - They were established with the location.

Commissioner Samson - They are not official for this so we'll keep it separate. Is that good?

Drew - Anytime the three of you are meeting together to conduct business you are subject to the Open Meetings Law anyway and we will also ensure that they published in the paper pursuant to the direction you just gave me.

Chairman Martin - Thank you.

Commissioner Samson - And it probably wouldn't be a bad idea to call the municipalities well in advance just to remind them and make sure everything is set up for the meeting time, place, etc.

Jean - We can do that and work with them to make sure the posting in on site as well.

Chairman Martin - Thank you very much. That does not require a motion just direction. Any objections Tom?

Commissioner Jankovsky - No.

Chairman Martin - I have none either. That issue is closed then and we'll move on to the County Manager's report.

## **5. County Manager Update:**

### **a. Human Services Commission: Dusty Dodson**

#### **i. Leadership Committee 2012 & goals for the year**

Dusty Dodson is here representing the Garfield County Human Services Commission with recommendations for the 2012 leadership committee on a couple of goals and alignment with the Garfield County as well.

Chairman Martin said he thinks we need a workshop or an exchange between both boards so we can actually get to know each other better and information flows freely and we don't have to follow all those bad rumors in reference to each are trying to get accomplished and realign for our support. That would be great.

Commissioner Jankovsky - I would like to have Mary Baydarian there as well as some of her staff as well and I'll just state that in those meetings Human Services Commission they are very taxed right now as far as the number of people that need help and a number of people need temporary assistance.

Commissioner Samson - Do you want to schedule something now or work with staff.

Dusty - I will be happy to work with your assistant and talk with our stakeholders as well for the end of February if possible.

### **b. Board of Human Services:**

#### **i. EFT/EBT Disbursements**

Diane Watkins for Mary Baydarian presented the EFT/EBT disbursements for the month of December for a total of \$929,538.28.

Commissioner Jankovsky - I would make a motion that we approve the EBT/EFT disbursements in the amount of \$237,305.85 for the client provider disbursements and another \$692,232.63 for food assistance for a total amount of disbursements of \$929,538.48.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**ii. Consideration and approval of the Senior Program Advisory Board - 12 member list.**

Judy Martin presented the list of the 12-members of the Senior Program Advisory Board.

Commissioner Samson - I would move that we approve the Senior Program Advisory Board member list as presented.

Chairman Martin - Would you include alternatives as well?

Commissioner Samson - Yes.

Chairman Martin - Thank you.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**iii. Program Updates**

[Attachment DHS Reports](#)

[Attachment DHS Reports](#)

**c. Board of Health:**

**i. Public Health Contract with Colorado Mountain College Nursing Program - Mary Meisner**

[Attachment Public HealthCMC contract](#)

Mary Meisner and Kate Johnson presented the Agreement regarding Nursing Clinical Rotation with Colorado Mountain College for a 5-year term.

Commissioner Jankovsky - I would make a motion that we approve the Public Health Contract with the Colorado Mountain College Nursing Program.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**ii. Ratification of action by Garfield County Public Health Director concerning health assessment, Office of Planning and Partnerships**

Mary Baydarian presented the ratification of a contract by the Garfield County Public Health Director concerning the health assessment of the Office of Planning and Partnership. The amount is \$5,000.

Commissioner Samson - I would make a motion that we ratify the action by Mary concerning the Health Assessment Office of Planning and Partnerships for an amount of \$5,000.00.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**iii. Year-end report**

Mary presented a Power Point Annual Report for 2011 from the Garfield County Public Health explaining the accomplishments and milestones.

**d. Public Meetings:**

**i. Request for discretionary monies for materials for senior accessible gardens at Community Gardens of Glenwood Springs Wulfsohn Mountain Park Garden - Marilee Rippy**

**Attachment CommunityGardens**

Marilee Rippy, Judy Martin Senior Program Manager, John Taufer designer and Becky Ciani were present and explained the concept and request of \$13,300.

Commissioner Jankovsky - I will make a motion that we will provide \$13,300 from the Board of County Commissioner's discretionary funds for a senior garden at the Glenwood Springs Community Gardens. We would like to ask the County Attorney's office to write up a contract with Garfield County and the Community Gardens of Glenwood Springs.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**ii. Colorado River Conservation District Report - Dave Merritt**  
**Attachment CRWD Report**

Dave Merritt gave his report and thanked the Commissioners for his re-appointment.

**iii. Approval of professional services contract with Valley Events, Inc., events coordinator, 2012 Garfield County Fair, with authority to chair to sign - Gene Duran**

**Attachment Fair Board Coordinator**

Gene Duran presented the professional services agreement with Valley Events.

Commissioner Samson - I would move that we approve the professional services contract with Valley Events, Inc, as the events coordinator for the 2012 Garfield County Fair with the authority of the Board to sign such.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**iv. 2011 Highway Users Tax Fund - Request for approval of 2011 County Roads Inventory to be submitted to CDOT - Rob Hykys**

**Attachment 2011 Highway Users Tax Fund Report**

Rob Hykys presented the 2011 Highway Users Tax Fund (HUTF) report. He explained the document in detail.

Commissioner Jankovsky - I would move that we approve this report for the 2011 Highway Users Tax Fund County Road Inventory to be submitted to CDOT.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**v. Consideration to allow the IRS to use the County Courthouse steps as a location to conduct an IRS auction of commercial property - Betsy Suerth**

**Attachment IRS**

Betsy Suerth presented the request to allow the IRS to use the Courthouse steps for an auction of commercial property on February 16 at 10 a.m.

Commissioner Jankovsky - I will make a motion that we allow the IRS to use the County Courthouse steps and the BOCC conference room to conduct an IRS audit auction of commercial property and that date was February 16, 2012.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**vi. Appointment of Jim Milender to Garfield County Fair Board - Andrew**

## Gorgey

Commissioner Samson - I make a motion that we appoint Jim Milender to the Garfield County Fairboard.

Commissioner Jankovsky - This is on the recommendation of our Interim County Manager.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

### e. Public Hearings:

#### i. 2012-2015 Community Services Block Grant for Senior Transportation

ATTACHMENT CSBG Grant Pages 1-32

ATTACHMENT CSBG Grant Attachments Page 32-87

ATTACHMENT CSBG Grant Attachments Page 88-177

ATTACHMENT CSBG Grant Attachments Pages 178-269

ATTACHMENT CSBG Grant Attachments Pages 270-399

Carey reviewed the noticing requirements, determined they were adequate and advised the Board to continue.

Chairman Martin swore in the speakers.

Judy Martin submitted the Colorado Community Services Block Grant (CSBG) 2012 to 2015 Application, a 250-page document in the amount for \$40,838; the cost for the three years is a total of \$122,514.00.

Commissioner Jankovsky - I will make a motion that we close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky - I will make a motion that we approve this application for 2012 through 2015 Community Services Block Grant for senior transportation with the State of Colorado in the amount of \$122,514 over three years.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### 6. County Attorney Update: Andrew Gorgey

#### a. Engagement of Services Contract for Acting County Manager - Carey Gagnon

### Attachment Contract Acting County Manager

Carey Cagnon submitted the contract for the appointment of Mr. Gorgey as your Acting County Manager. The term would be from January 3 is when you appointed him up until the first full day of employment of the new county manager and compensation would be at a rate of \$1,250 a month for those additional services to be prorated for any partial months of service. This is intended to be a standalone agreement so it is separate and independent of your engagement letter with Mr. Gorgey for his services as County Attorney.

Commissioner Samson - I would move that we approve this engagement of services as County Manager for Drew and he be compensated \$1250.00 a month effective December 31, 2012 until we get the new county manager hired.

Drew asked to comment. The first thing I want to do is thank you for your confidence. This June will complete my 10th year in County Government and it would complete my 8th year at the executive management level of County Government having previously served as the Chief Deputy and First Assistant County Attorney in El Paso County in their attorney's office. I was also their employment lawyer for five to six years. For the last two weeks, I've been active as your acting county manager. I have met with all of the senior management team all of whom have been supportive and helpful to me. They have updated me in writing about their areas of responsibility and the status of all of their pending projects in their respective areas. My latest information with respect to the executive search is that the draft of the position description will be finalized either today or in the next two days between my designee, the Director of Human Resources and the executive search firm, Peckman and McKenney. I know that Phil McKenney, one of the principals, has spoken with you directly and I know he has spoken to some if not all elected officials so the new county manager will have a sense of the scope of the job on first reading so that she or he may know exactly what they are getting into. I want to be clear that my first and foremost duty to you and to the county is as your county attorney; I am subject to all of the rules of my license, to the rules of professional conduct of course to the Constitution and the Laws of the State of Colorado. I will absolutely maintain all of those duties concurrent with whatever duties I have as your acting county manager. With respect to executing your policies and your vision, I want to be clear that the major areas of direction that you undertook in 2011 maintain unchanged going forward. The two biggest ones being an emphasis on streamlining the county's regulatory structure so that it is more conducive to business; the best example of that is that you have already advanced the first round of amendments to your Unified Land Use Resolution to the Planning Commission as a text amendment. The second is and this appears later today on the agenda that you are advancing the forming of an advisory board for the next round of ULUR changes. The second big area happens to do with economic development; we continue to solicit and update information so that we can have a responsible economic development plan. That includes other portions we heard this morning with respect to the investment policy whether that should be updated. The formation of an investment advisory board so you can better execute your fiduciary duty to the citizens of Garfield County with respect to approximately \$140,000,000.00 that we hold in reserve. A very enviable position but that does not



lessen your fiduciary duty, it probably increases it and my job is to help you do that. The next area of concentration has to do with communications. There are communications both with the community and with our employees internally. The county utilizes two forms of communication; first, its website and second is the Extranet used to communicate with employees. We're looking at some upgrades there, particularly with respect to the employee communications and we'll be telling you about that soon. I would tell you that this is an incredible challenge as you can imagine and to me Commissioner Samson, thank you very much for your kind words. To me this is more important to look at a longer time horizon and the opportunity to serve as both the county attorney and the acting county manager for any period is a tremendous opportunity both personally and professionally. It tests my leadership skills, tests my organizational skills and I believe at the end of this process when you've selected your new county manager you will have a much better informed and better county attorney because of your decision to do it this way instead of some other way. That is a permanent benefit to me and hopefully a long-term benefit to the county. So while I understand we could have protracted negotiations and come up with a different number higher or lower for that matter, I'm totally fine with this and I'm excited to serve and I'm excited with the additional challenges. I would ask your patience not only your patience but also the patience of the senior management team and all of our employees, particularly the county attorney's office, which as you pointed out will have to shoulder extra burden here and there. I'm very confident of a bright future in the county. There was some concern and references in the paper and otherwise about the suddenness of your decision; I would just simply say that the county is in good hands not because of your decision with me but because of everyone else who remains at the county. We are all as a group completely committed to making sure that the citizens of the county receive the best possible services for their tax dollars. I will not stop until we make sure that is done and I'm deeply grateful for this opportunity. Thank you.

Chairman Martin - Thank you.

Commissioner Jankovsky - I would just say that Drew we appreciate you stepping into that role.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**b. Consideration of counteroffer in Rudd v. BOCC litigation, Garfield County district court case 11 CV152 - Cassie Coleman**

Cassie Coleman presented the stipulation.

Commissioner Samson - I would move that we accept the stipulation as presented to us and authorize the chair to sign whatever document needs to be signed.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote



**c. Public Meetings:**

- i. To consider signing a letter to the Bureau of Land Management for comments regarding the Draft Resource Management Plan and Environmental Impact Statement for the Colorado River Valley Field Office, Colorado - Fred Jarman**  
Attachment BLM RMP Letter

Fred Jarman presented and passed out a handout on the Letter to the BLM and a very large map.

Commissioner Jankovsky - I would make a motion that we allow the Chair to sign the letter to the Bureau of Land Management (BLM) for comments regarding the Draft Resource Management Plan and Environmental Impact Statement for the Colorado River Valley Field Office and note that we are supporting Alternative A, the no action alternative.

Chairman Martin - Could you amend that to read all three signatures so the Commissioners sign.

Commissioner Jankovsky - Yes, I would amend that to all three signatures.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**Finance Staff and Warrants**

Drew - This is a business matter and does not require an Executive Session or a motion. On behalf of the finance staff, we would request they be allowed to process the warrants and ratify at the next meeting.

Chairman Martin - There has been a Resolution passed prior to this request and that is a standing resolution that they are allowed to do such.

**7. Executive Session**

- a. Pursuant to §§ 24-6-402 (4) (a), (b), and (e) C.R.S. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the purchase, acquisition, lease, transfer or sale of real property interest(s), and receipt of legal advice on specific legal questions regarding same.**

Commissioner Samson - I move that we go into executive session at this time for the items that the County Manager has stated.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Samson - I move that we come out of executive session.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

## **LUNCH - Noon**

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

Louis Buettner said I'm here representing Adrienne Crouch with a request to get some updates on work that we have presented to the Commissioners regarding a recent petition vacation of a 1913 road and before we had the County Road 162a issues.

Dave Sturges – The Northwest Colorado Council of Governments Rural Resort Region is an analysis of services for the aging population. I watch your activity closely. Occasionally, I will make suggestions. I urge Rural Resort to take this subject on. However, I think it is very important for Garfield County because as is obvious by your engaging in your services advisory committee and the work you have undertaken with the Traveler and the meals, you are beginning to know see the numbers that are there. It is a very important topic. I'm concerned about this in terms of health care.

Chairman Martin - It is the Northwest Colorado Council of Governments Rural Resort Region. Here' the topic though analysis of services for the aging population. This was done a year ago January 2011, I will say through Northwest COG and my participation with them and Rural Resort Region I urged this study to be done. Lisa Gardner is the demographer for this state.

Dave in looking at the demographer's report in reference to the population of seniors in Eagle County versus Garfield County including Summit County, they are younger in age and population than Garfield County. They already have their centers, programs and we are still struggling in Glenwood Springs; it is the only one without a senior center.

Perhaps in the future we should continue to talk about it.

Chairman Martin - Dave also serves on the senior advisory council, I think from the very beginning. It is a challenge in the situation with the seniors.

### **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

#### **1. County Attorney Update - Land Use Issues: Andrew Gorgey**

No report.

#### **a. Legal advice regarding Planning Commission board member appointments - Carey Gagnon**

Carey Gagnon – This is a follow-up to provide a little bit more color to that conversation that you've already had regarding the Planning Commission member appointments.

**b. Draft Resolution for the formation of a ULUR Advisory Committee to assist the BOCC in evaluating and recommending changes to the ULUR - Fred Jarman, Carey Gagnon**

**Attachment ULUR Advisory Committee Resolution Draft**

Fred Jarman and Tamra Allen presented the draft Resolution and explained.

Tamra - I would just add in the draft resolution we did include a date, which is the end of this year, December 31, 2012. We are anticipating feedback from this board today then bringing back a final resolution for your consideration on February 6.

Dave Sturges commented on the Unified Land Use Resolution of 2008 as amended.

The numbers the Board is considering is limited.

Commissioner Jankovsky – I would like the target of one year in the Resolution.

Chairman Martin – I would like to see an update about every month to see how things are on.

Tamra – The Resolution states we would come to you the second of every month to present an update.

Carey requested formality with which you would like this committee to operate; we recommend you adopt some by-laws for structure. I would recommend you have a leader in charge of running the meeting.

Tamra – Today, after the discussion, we would bring a final resolution on February 6.

Dave Sturges commented on the resolution, "membership will be comprised as 10, now 11 who are knowledgeable about the Unified Land Use Resolution of 2008 as amended". There are many young people in the community who may not have that knowledge but may be interested in serving.

**2. Public Meetings:**

**a. Consider a request to vacate the Amended Plat of Lots 7, 8, and 9 - Rock Creek Subdivision, approved by the Board of County Commissioners on July 5, 1994 and recorded at Reception No. 465473 in the Office of the Garfield County Clerk and Recorder. Applicants are Nanna Schov and the Ann M. Geupel Revocable Trust. A request has been received to continue this meeting until February 13, 2012 - Kathy Eastley**

**Attachment Rock Creek plat vacation**

Chairman Martin - Ms. Eastley, I have a request here that says on this agenda to continue the meeting until February 13.

Commissioner Jankovsky - I would make a motion that we continue this meeting until February 13, 2012 concerning a request to vacate the Amended Plat of Lots 7, 8, and 9 for the Rock Creek Subdivision.

**MOTION**

Commissioner  
Tom Jankovsky

**SECONDER**

Commissioner  
Mike Samson

**VOTE**

UNA by roll call vote

### **3. Public Hearings:**

- a. **Consider a request for an amendment to the conditions of approval related to the Preliminary Plan for the Stephens Subdivision as memorialized in Resolution 2011-34. The Applicant is the James and Jean Stephens Revocable Living Trust - Kathy Eastley**  
[Attachment Stephens Subdivision Amendment](#)

Terrill Knight presented the request for the Stephens. He answered questions on notification requirements, posting, publishing etc for the record.

Kathy Eastley submitted Exhibits A - H.

Chairman Martin entered these exhibits into the record.

Kathy Eastley submitted her staff report and made a brief presentation.

Commissioner Jankovsky - I will make a motion that we continue this public hearing until February 13, 2012 for a request for an amendment to the conditions of approval for the Stephens subdivision as memorialized in Resolution 2011-34.

#### **Discussion**

Commissioner Samson - Instead of a meeting should it be a public hearing.

Chairman Martin – Yes, it is a public hearing.

Carey - A question about clarification in your motion, the purpose would be to allow legal staff to work with the applicant to reach an agreement on a contract that would permit what we have discussed regarding the public improvements and work with planning staff to revise the Resolution such that an HOA is no longer required.

Commissioner Jankovsky - That is correct.

Chairman Martin - Yes. That is a clarification in the motion.

#### MOTION

Commissioner  
Tom Jankovsky

#### SECONDER

Commissioner  
Mike Samson

#### VOTE

UNA by roll call vote

### **COMMISSIONER ISSUES**

- a. **Commissioner Reports – None were given**
- b. **Commissioner Calendars**
- c. **Approval of Minutes**
- d. **Commissioner Agenda Items**

### **ADJOURNMENT**

\*\*\*\*\*The following Minutes have not been proofed by Jean nor published in the Grancius Minutes.

January 23, 2012  
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO

ROLL CALL - 8:00 A.M.  
PLEDGE OF ALLEGIANCE  
INVOCATION

1. Public Meeting pursuant to C.R.S. §24-6-402 (3.5) regarding job search parameters and related statutory considerations pertaining to County Manager search and hiring with instructions to Peckham & McKenney.

Drew Gorgey - Mr. Chairman and Commissioners, this is pursuant to that subsection specific with respect to search committees for local public bodies which the county is. When the subject of discussion is the appointment of the executive officer, so in this case the subsection applies to your preliminary work in selecting a county manager. You will recall that this was the subject of an executive session earlier in the month on request we disclosed the tape of the executive session in full and on further reading of this statute it is appropriate to go over all of the topics that are set forth in subsection 3.5. For your convenience, I listed the entire text of that subsection in your back-up materials today and for your further convenience, I listed out the specific area that you would be discussing. Job search goals, the writing of the job description, deadlines for applicants and requirements for applicants, selection procedures, the timeframe for appointing or employing a chief executive officer. The record should reflect the presence of Katherine Ross who is the County's Human Resource Director and we have your contracted Phil McKenney available by phone. I don't know that we initiated that call, but if not we should do this now.

Chairman Martin - Thank you. The mechanical operation is in effect.

Good morning, Peckham and McKenney, this is Phil.

Good morning, Phil this is Katherine Ross at Garfield County and I'm in a public board meeting with the County Commissioners, Mike Samson, John Martin, Tom Jankovsky, the County Clerk and Recorder Jean Alberico and Drew Gorgey the County Attorney. We'd like to speak with you regarding the job search for the county manager position.

Phil McKenney - Good morning everyone.

Chairman Martin – I wanted you to know that you're on the internet as well being recorded on air and television.

Phil - Okay, thank you sir.

Katherine - Can you hear the board members well enough or if you are having problems would you speak up, tell us and we'll make some adjustments for you.

Phil - Okay.

Chairman Martin - All right. Step one.

Phil - I think I can hear everybody.

Chairman Martin - Okay.

Drew - Commissioners I have also delivered to you this morning a copy of the existing job description for county manager. This is the job description that has been in place, I defer to HR director for the history about how long we've had it but it is the one that

pertains to the acting county manager now and that the prior county manager was operating under. I provided this and gave a copy to the Clerk and Recorder as a jumping off point. The Human Resources Director has authority under the Procurement Code to sign the contract on your behalf with Peckham and McKenney. I don't believe that needs to be ratified separately by you but you can do that if you want, just direction to staff is probably sufficient since you have already adopted your Code. The purpose maybe Mr. McKenney can begin by telling us, actually let me just throw it back to the Chair first and conduct the hearing however you see fit.

Chairman Martin - I think that we're going down the right path. What we have to do is identify if this is going to be a job description that we wish to continue or if there are changes or other information that Mr. McKenney will need to do the search. So let's continue down this path.

Commissioner Jankovsky - Can I just say something John, I would like to direct staff to use Peckham and McKenney in our job search and to make that as expedient as possible and the shortest time as possible.

Chairman Martin - All right.

Commissioner Samson - Definitely.

Chairman Martin - Mr. Samson agrees and the direction has been given to staff.

Drew - All right, I don't know that it's necessary to re-sign the agreement with him based on today's date simply because the contract was separate from your executive session. I think you pre-dated it and I think it is lawful. If we want to be absolutely certain, we can execute a new agreement with today's date, I don't think that's necessary.

Commissioner Jankovsky - Mr. Gorgey, I believe we came out of executive session and then we either did a motion or gave direction to staff to hire Peckham and McKenney.

Commissioner Samson - I think we gave direction.

Commissioner Jankovsky - I think that would be appropriate to continue with that date.

Drew - All right then ratify with today's date whatever we need to do. In terms of job search goals, it might be appropriate for you all to articulate what you are looking for with respect to a county manager given our existing job description in your current direction.

Commissioner Samson - Well I'll start off as I did in the last executive session and let me just say, I think Phil you're still there right.

Phil - I am.

Commissioner Samson - As I told you before and I will state again, you did an excellent job for us in searching for Mr. Gorgey and we are very pleased with him and you did a great job there and that's why we feel you can do a good job in our search for a new county manager. That is one of the main reasons you're doing the job for us because we have faith in you and feel you did an excellent job for us about 6-months ago.

Phil - Thank you very much.

Commissioner Samson - We have confidence in you. The next thing I'd say in looking at the job description of Garfield County as I've looked over that etc the essential functions, general purpose, general qualification, the things they have to have the ability to do, etc I feel comfortable with what's there. As I said in the last time, these are pretty common things but I think we want to search for someone who is honest, fair, has integrity, hard working and loyal to us as a Board. The point I read in the paper that John made, which I always felt no matter what the organization, is when you have a set

up such as a Board and we are elected by the people; we are the ones who have to make the tough decisions. The county manager or whoever that individual is in the organization needs to follow through with that as a majority of the Board sets the policy and makes the tough decision. We have to answer to the electorate and that doesn't mean that from time to time they may have a difference of opinion with us. They have every right as our employee to bring their concerns and ideas for the best of the county to our attention; however, when all is said and done then we have made our decision then we need to go forward and carry out the decision of the Board. That's an important thing that someone who is employed by whether a school board, hospital board, County Commissioner Board, City Council or whatever that is how it works. These are the things I think are important.

Chairman Martin - Tom, anything you would like to add.

Commissioner Jankovsky - I would like to add a couple of things. In looking at this job description, it says minimum education, a master's degree in public administration and I just think we want somebody with a master's degree. I do not know that is absolute. Somebody with experience as a county manager, city manager etc that does not have that master's degree in public administration, I wouldn't want to exclude them because they didn't have the minimal qualification. Under general purpose, it says directs, administers, coordinates and I would like to have the word 'manager' in there as well because I think we are looking for someone who can be the overall manager of the county. Add to Commissioner Samson's words, I would like to see somebody that has strength on the fiscal side and understands budget. We are a good-sized county now, \$100,000,000.00 budget and somebody that really understands the numbers of the accounting side, the budget side of our operation should have a strong background in the financial side of our business. I'll steal a little bit of Commissioner Martin's thunder and say we need somebody who is a strong manager, one that can provide the communication, the overview of the county, leadership, qualities that Commissioner Samson has talked about that goes back down through the county. I'd like to see a little bit of change mentioned in the culture of our county and the staff is not afraid of losing their jobs etc but wants to move forward and do the best they can for this county. Phil, our last meeting with you, I talked to my parents this weekend and they are sorry about the problems we had. I said what problem is that. They said, our paper saw that you guys said in our paper that you were in executive session and shouldn't have been. I said, well I think it wasn't a huge problem but we are correcting that at this time, so. Phil - One comment if I may Commissioner Jankovsky, under 'minimum experience' we have the caveat to look at experience and not just that master's degree as far as a minimum but it's listed as any equivalent or combination of education, training and experience. I will look at these people with significant experience that may not have a master's degree without a doubt.

Commissioner Jankovsky - Thank you Phil, I appreciate that.

Commissioner Samson - Phil, can I ask you a question.

Katherine - That's Mike.

Commissioner Samson - If I was to ask the question, as I'm curious here, just bringing it up in your help in placing various county managers throughout the United States, how many percentage wise would have a master's degree in public administration - 50%, 90%.

Phil - If I had to guess, I would say probably 75% and not just necessarily in public administration. It could be a master's of business administration, finance, different paths to get up to being a county manager.

Commissioner Samson - So you're saying 75% have a master's degree in those fields but not necessarily public administration.

Phil – That's correct, they will have a master's degree but not necessarily just in public administration.

Commissioner Samson - Thanks Phil.

Chairman Martin - On the other side of the equation, do you have enough information in reference to the personality and the make-up of Garfield County. The leadership, team philosophy and what's the history of Garfield County so someone looking at that, say, hey that's a good place to go, I could fit in and the other is that I don't want to touch that one because of whatever chemistry maybe there on the surface or underlying. Do you feel you have enough to identify what and how Garfield County is?

Katherine – That's John talking.

Phil - Yes, thank you very much Commissioner Martin. I believe from the last process it gave me some great insights into the cultural of the organization, I realized what it was and where I think you would like to take it on that shift. If I understand it correctly, more to an open transparent kind of out in the open type function organization, so with that direction and then realizing what was there before, I feel I have a pretty good grasp, always open for your interpretation if you would like to provide that now. The history and recommendation is always a better thing for me. I have a good grasp on what's going on there. I have lived in Colorado and become familiar with your community at that time is also a benefit.

Chairman Martin - Well I just wanted to make sure that everyone that applies understands there are challenges and great rewards as well as time goes on, but again they are coming into a culture that they may or may not understand and hopefully you would be able to relay that chemistry to them. Then we'd also like to see on those finalist that make it, a face to face so that we would be able to talk to our applicants, the other elected official folks and then get down to the nitty gritty and how to run the county, what we're expecting and what they can bring. So, I hope that will be in your application process and screening process and of course, we are always available to answer any of your questions.

Phil - I appreciate that very much. In this situation, there are often times many additional questions that I might want to call you, get insight and I will definitely work through Katherine, my contact person and access to your folks.

Chairman Martin - Thank you. Katherine, is there anything you would like to add?

Katherine - Yes, thank you John. One thing that I think in the past, I've been a consultant so I have worked with several cities and counties throughout the nation actually but particular in Colorado. One thing that is unique about this county besides just being special as we think we are is where I would call a fire flung empire.

Geographically we are large and our employees as well as our customers are all over the place. Many organizations are consolidated into one building or one or two buildings that are geographically close to each other. Ours are not, so that provides us with actually unique problems as well as unique opportunities. Somebody in this role has that to look at and to adjust to or to belated about because it means that communication



has to be a priority in dealing with the events of the county. I think our uniqueness again has many advantages but it also means that there has to be attention paid besides all the items you listed, there has to be attention paid to that factor as well.

Chairman Martin - Thank you.

Phil - A very good point Katherine thank you.

Chairman Martin - Does the legal department have any input?

Drew - Okay, your firm is advertising the county attorney's position, I believe a four page, four-color brochure type of publication. Were you planning to use it or are you recommended the County Commissioners use a similar announcement for this position?

Phil - Yes.

Drew - And I guess a question to you and Katherine both, Katherine is holding up the county attorney one. All right, either you or Phil can you articulate the difference between the job description that the county that you maintain as HR Director and that announcement that will be used to advertise the position. What's the difference?

Phil - Okay, I'll take the first shot at this one. The brochure is not just focused on the position itself, it's an attempt to describe the community, describe the organization, describe the actual position and then in an interpretative way what I believe are the qualities and characteristics of the ideal candidate. We also provide information on the compensation and the search schedule, which I think is very important. In the attempt of the brochure is to encourage the candidate, potential candidate either one to go ahead and apply or to contact me and ask for more information in both the relationship with me regarding this opportunity. So it is not nearly as specific, not nearly as detailed as the job description when it comes into describing the position but it is more an advertisement is the best way to describe it and it is trying to induce a candidate to apply or contact me.

Katherine - I concur 100%.

Drew - All right, Commissioners, I want to go through the rest of the checklist from the statutory section in a second but I do have a proposal for in addition to the ones that you have made here on qualifications. I think under "essential functions" you should add the language that you have already included in your last two employment agreements or engagement of services letters. I would replace essential function, I would add one and make it number one and then change the numbers accordingly - "exercises fiduciary duties" to the Board of County Commissioners including the duties of loyalty and care and works at their direction and under their control, which is exactly what the county manager does. It's not spelled out anywhere and I think you would benefit from doing so.

Chairman Martin - It is implied in several layers but how does the Board feel. Like that Tom.

Commissioner Jankovsky - I do like that. I think that is well put.

Commissioner Samson - Absolutely.

Drew - And I want to clarify your suggestion from earlier Commissioner Jankovsky and I think Commissioner Samson regarding minimum education. This specifies a master's degree in public administration or business or related fields, and I think you are adding to that, sort of any graduate degree and any equivalent level or similar experience in the minimum education box here under experience but not under education.

Commissioner Jankovsky - I just don't want that to exclude somebody who is very qualified because oftentimes when you are going and just looking at the first round of applicants, you are looking at those minimum qualifications. I would hate to have a great applicant thrown out because they didn't have the minimum education.

Katherine – It's just an FYI, first of all yes, I can make the change. The purpose of job descriptions are to be as brief as possible and in what I'm hearing there is more of a position description but for this particular job it is a sole chief executive officer job. I can write that in there, but the intent is that any combination thereof that would be considered consistent and reasonably same as or equivalent to.

Chairman Martin - And that will definitely have to be highlighted in the face to face interviews with Phil as well if they make it through that process with this Board as well to make sure that experience is there. All right, anything else.

Commissioner Jankovsky - Yes I do. The other thing Phil is where I talked about I would really like to see someone with strong financial background and so forth and Katherine has talked about our fire flung empire. Our road and bridge department is as important to us and to our county, because of the size of our county and the number of roads as anything else we have in the county. I don't want to put that on a back burner and say that's not as important as something else because I know from my standpoint and I believe the other two commissioners is a very important department and function for our county.

Phil - Absolutely, just under 300,000 square miles you are not small in any way, shape or form without a doubt.

Commissioner Jankovsky - And the other thing I think Katherine talked about in communication, I know Commissioner Martin talked about earlier is that ideally under ability there is kind of a person that can direct, coach, counsel, mentor, delegate, discipline, train and evaluate. I think those are all key words in things we are looking as far as the strength and leadership of the person who will be working for us. I think those all come with communication but there are different forms of communication and I think they are very important.

Phil - Thank you.

Chairman Martin - All right, counsel anything further that you have in your checklist.

Drew - Yes, I think you have covered the job search goals thoroughly in the writing of the job description to the extent you are delegating that, all the changes that you've just named to the HR Director I believe we could probably have that drafted and posted by the end of the day. Is that fair to say?

Katherine - Yes.

Drew - Okay, so we can say, we would post that to the county's website with the changes if that's the will of the Board.

Chairman Martin - Let's find out. Mr. Samson is that your direction, Tom?

Commissioners Samson and Jankovsky - Agreed.

Drew - And when that is posted on the website we will of course email that as amended to you, Peckham and McKenney. What is the deadline, what is the Board's preference for instance in naming a deadline for which by applicants must be submitted? What is the cut off there?

Commissioner Samson - What is Phil's recommendation here?

Phil - I have, now I am suggesting February 27, two weeks after that I would be back to you with a schedule to recommend finalists would be March 19 and the final interview process would be on March 30.

Chairman Martin - Is that acceptable to the Board?

Commissioner Jankovsky - I appreciate you expediting this Phil. I think that is acceptable as soon as we can get somebody on the better I believe.

Drew - So, I'm sorry, February 27 by which applicants are due and could you say the other two dates again. I hate to make you repeat yourself.

Phil - No, it's a resume filing deadline would be February 27, another date I'm interjecting in here preliminary interviews my screening interviews and the fact that I need reference checks occur between March 1 and March 14. I would come back to you to personally recommend finalists that you consider and inviting to the final interviewing process on March 19. Then the finalist interviews process I'm suggesting would be on March 30.

Commissioner Jankovsky - Then more than likely it would be May 1 before we could get someone on board, because April would be the requirements.

Phil - The notice requirements they would have to provide to their existing employer is often times a week break before they start a new job so you are absolutely right. You could have someone start in April but most likely May 1 is not an unreasonable expectation.

Chairman Martin - I just don't like having start on April 1st. I'm sorry but I guess I superstitious, I admit.

Phil - Monday, April 2 is a Monday.

Commissioner Samson - Yes, April 1 is a Sunday, so I don't think we're going to get anyone to start on Sunday.

Drew - Phil could you describe what you're requiring the applicants to do.

Phil - Yeah, they're initial response, we're asking for a cover letter and a resume. If I screen after the closing deadline on the 27<sup>th</sup> I will conduct a paper screen based on the written material they have provided me. A step that we use is to send at that point a supplemental questionnaire, some generic questions asking for more background information on the candidates and their current employer and then some questions regarding issues that are particular to Garfield County. Once we get those factors back, I can conduct my preliminary interviews, go to the background in reference checks and narrow that down to a pool of candidates that I will recommend to you that you consider inviting to the final interview process. In lieu of that presentation, you will have their written material cover letter, their resume and their response to the supplemental questionnaire. You will have time to review that before I come out on the 19th to meet with you.

Chairman Martin - Everyone have their dates?

Drew - Paper screening is a supplemental questionnaire, preliminary interviews and based on that process you'll recommend for lack of a better phrase a short list to the Commissioners?

Phil - That is correct.

Drew - Then from that list, the Commissioners would determine finalists.

Phil - That is also correct.

Drew - Okay, Commissioners, one hitch, is there are not enough days between the recommended finalists and the finalist's interviews.

Chairman Martin - You mean by statute and timeline.

Phil - It is 14-days.

Drew - Well, it's really 14-days between their publication of the list of finalists and your hiring them and your decision, so there's nothing that says you couldn't interview them on the 30th but you couldn't extend an offer any sooner than the 14-days from the time that you make the list of finalists known. Therefore, I would not yet publish the date for finalist's interviews or I would just move that back a couple of days to make sure.

Chairman Martin - In the scenario, we could establish that we could make a decision on final interview date when Phil comes back and hands us that information. That gives us time to review everything and also set and publish or at least notify the folks the final date for interviews.

Katherine - And the process.

Chairman Martin - Right.

Katherine - We can lock in the process, who's going to meet them.

Drew - How long Phil before you can complete the text and graphics for the brochure for this position.

Phil - Actually quickly, I want to have another draft sent to you today. I have directions from Katherine that we will use the same format that we used before as far as the photographs, so that will speed up the process. It would just be a matter of getting the text plugging that into the template that we already have and then having you proof that one more time and then we're off to the printers.

Drew - How long, what's the turnaround from the printer?

Phil - Usually about 2-days then it goes directly to our mail house and we already have the list prepared and then it goes into the mail, obviously sorry.

Drew - I don't mean to overkill this but I think you would in public approve the final draft of the job description and this flyer. I don't know if two or three will be available in the next day or two to do that. Chairman Martin - Well actually, we have continued meeting tonight in Silt at 6:00 p.m. and we'll probably continue our meeting to Silt. Would we have the final draft and could we make a decision at that time?

Phil - You will have it from me, yes.

Drew - Well it is noticed for this morning and you can continue it to your next meeting, I think that's fine. What time is the meeting in Silt?

Chairman Martin - 6:00 p.m. today.

Drew - You want to do that there.

Chairman Martin - We could do that there. It is still the public's business and although the venue maybe in Silt but it's not in Glenwood Springs but it's still the public's business and we are planning to make sure that Phil does this in the shortest timeframe as possible. I think that we should accommodate him and not hinder him. So, if it's our desire to move forward we should see that the final draft today, make a decision at our continued meeting at 6:00 p.m. and then Katherine would be able to give the final okay to Phil either tonight or tomorrow.

Drew - Phil, would you be able to do that. I know you are cutting and paste from your last work and you have additional instructions today. Would you be able to have a draft ready by the end of the day today?

Phil - Yes.

Drew - Then it is up to you.

Phil - I'll try to have it to you in the early afternoon at the latest.

Chairman Martin – What's the pleasure of the Board?

Commissioner Samson - I think that would be fine. My only question on that is if we go that route, we need to perhaps call Silt and ask them at 6:00 p.m. if we could actually take care of that. Chairman Martin – That's professional courtesy, we are going to continue our meeting, so...

Drew - If you don't want to put it there and you're not trying to rush, I think you can get it done simply because you're asking him to do the same thing he did a year ago. If you don't want to put it there and you're not trying to rush, I think you can get it done simply because you are asking him to do the same thing he's done a year ago. If you don't want to, could anyone meet on Wednesday morning before the FML District Board meeting?

Commissioner Samson – It's at 9:00 a.m., I'll be here at 8:00 a.m.

Commissioner Jankovsky – I'm fine on Wednesday morning as well, I'm fine with tonight as well, so Wednesday morning is great for me.

Drew - If you want to do Silt, that's fine.

Chairman Martin - I think we need to move forward, I think that we have asked Phil to go ahead and move more rapidly, I think that we need to be on our side and do the same. It is not something that we have reinvented, it's going to be an edit of what we already have in place but the few suggestions here and there both from the legal side, personnel side and the Board's side but I think we can accomplish it. Phil, I'm like to be able to do be able to get that draft today, this is just John speaking now, not the Board and review it tonight and give the okay to Katherine for you to start publishing. What does the rest of the Board feel?

Commissioner Samson – That's fine.

Commissioner Jankovsky - Yeah that's fine. Will we be able to pick up something from you this afternoon Katherine, that we can review prior to 6:00 p.m. meeting.

Katherine - Do you want it electronically?

Commissioner Jankovsky - Whatever is easiest for you.

Katherine - Electronically.

Drew - Katherine will give you the amended job description and Phil will give Katherine the amended brochure contents, if you approve it at 6:00 p.m. it will be rolling in the morning. All right, I think you've been over the selection procedures, I think that when Phil returns that will be a second public meeting and I will, if we need to do anything different from what we are doing, I will notify you on February 6 or tonight.

Chairman Martin - We want to thank Phil.

Phil - May I ask a question.

Chairman Martin - Well maybe.

Katherine - It depends upon what it is.

Phil - Andrew, you mentioned the next meeting that would be when I come to you to recommend finalists and you say that would be a public session. I have a concern in that it's my understanding that up until the candidates are identified as the finalists, that their information can be held in confidence.

Drew - That is correct. What would be required is you would begin in a public meeting, you adjourn to executive session and you would be communicating that information to the Board in executive session. Those documents are public record either until you get to the finalists.

Phil - Thank you, okay. I just wanted to make sure.

Chairman Martin - Any other questions Phil.

Phil - No more questions.

Katherine - I'm fine thank you.

Drew - Now I would, if I become aware of any different supplemental legal that changes anything we are doing, I will let you know immediately.

Chairman Martin - Jean, anything that you would like as an elected official.

Jean - Not at this time, we appreciate the fact that Mr. McKenney has already contacted us and asked our opinions and we were able to comment. I'm sure he's done the same with other administrative folks and elected officials.

Chairman Martin - Is that right Phil, have you talked to other elected officials in reference to this application and this process.

Phil - Yes.

Chairman Martin - Thank you.

Drew - And you know I don't think it's inappropriate to talk about the backend of this either and there are at least, when I was selected in addition to the paper screen, supplemental questionnaire and preliminary interview. When I and the other finalists were invited here, we participated in multiple interview rounds so that you could get different perspectives so all of those would, to the extent it's required to be public. There would be some public interviews of these finalists.

Katherine - Then when we have the finalists as we're thinking about that, when we have the finalists identified and he is here for that, would that be an appropriate time them to tell him to lay out what the due process is going to be so the finalists know what they are walking into it.

Chairman Martin - I do believe that's good instead of just blindsiding everyone. That will be a set procedure.

Katherine - I think that would be more partnership.

Drew - Commissioners, Section 3.5 really pertains to the CEO position so the way that my interview due process was handled is not necessarily a blueprint for this one. In fact, it's not a blueprint for this one because as County Attorney I'm not you CEO. Therefore, that to say I believe the interview process from my position was 100% lawful. All right, I just want to make sure and I'm grateful to, it's no fun to be called out in the press, I'm not saying that but it only makes this process better, makes me a better lawyer going forward and this is something the county only does 12 to 14 years. Therefore, I want to make sure going forward especially careful.

Chairman Martin - All right, that you. Any other discussion on this item?

Then we will consider this at our continued public meeting at 6:00 p.m. in Silt for the final draft.

Drew - Any questions from anyone in the audience.

Commissioner Samson - John, any questions?

John Stroud - No questions than thanks for being open, honest, and not so many public attorneys are that cooperative. Thank you.

Commissioner Samson - Thank you for your understanding.

Chairman Martin - And your questions. All right let's continue then. Phil we want to thank you very much and we're going to go to the next items so good luck and good work.

Phil - Thank you very much, I'll be in touch, and you take care.

## **2. Resolution with authority to Chair to sign regarding Executive Session policy and procedure.**

Chairman Martin - Drew you have another item, which is going to be the Resolution for the authority of the chair to sign regarding the executive session policies and procedures.

Drew - This is the Resolution somewhat more than a restatement of the statute, I think that a Resolution that simply says you are going to follow the open meeting laws is not necessary because you've taken those to follow all the laws. What this does though, is I believe it states as a policy that you are committed as a Board to openness in government as demonstrated by your prior actions. You adopted Resolution Number 11-65 with respect to the county's records. The purposes behind that were to simplify, expedite and make a uniform handling of those open records requests. Therefore, we don't have multiple ways of processing those, they are handled uniformly, promptly and quickly and I would add that anyone with internet access in just a couple of clicks and with email could request anything they're lawfully entitled to. This is a Resolution pertaining to executive session does the same, it encourages openness and the one word that I think pertains to the policy here that summarizes it, one phrase I should say is that as a matter of your policy, executive sessions should be rarely used. It also provides a format that going forward you will see and more importantly, the public will see in the agenda itself. It's similar to the executive session announcement here but it will put the words executive session in bold always. It clarifies that you only go into executive session if 2/3 of you vote to adjourn to such a session, that is required by statute of course. It prints out into the agenda the statutory authority and identifies as much information as we can what the session is about without compromising the purpose of the session. Again, most of that is in the statute but the formatting and showing a commitment to the public for openness is what this Resolution is about. Item 3 there on page 2, what you are resolving to do pertains to record keeping, there was some issues with the record of the January 9 executive session and some of that was tied to obsolete technology or less than current technology, so you are resolving hence forth to utilize digital or more current technology. You are also committing to making sure that your recording equipment actually recorded the executive session before you leave the executive session and directs the clerk and recorder and the county attorney's office to come up with a system to store the records of executive session securely and to identify a chain of custody. With respect to how long you keep the records that would be under a separate retention schedule that you can later adopt. I want to be very clear that the clerk and recorders done a fine job of record keeping in this respect and every other respect that the issues on January 9 had nothing to do with the clerk and record really and that's what this Resolution is.

Chairman Martin - All right, gentlemen comment.



Commissioner Jankovsky - Well done, Drew.

Commissioner Samson - It looks good.

Chairman Martin - Now if there are no more comments do we have a motion to accept this policy and follow this policy from here on out.

Commissioner Jankovsky – I make a motion we accept the Resolution on Executive Session as submitted.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Jankovsky	Commissioner Samson	UNA by roll call vote

Drew - The third item is an Executive Session pursuant to C.R.S. § 24-6-402 (4) (b) C.R.S., for the purpose of receiving legal advice pertaining to expenditures of public funds and recent requests for funding. You've already announced you have a meeting tonight jointly with the Town of Silt at 6:00 p.m.

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## ADJOURNMENT

### February 6, 2012 PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO

ROLL CALL - 8:00 a.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA - 8:05 a.m.

Lisa Bracken – Regarding the West Divide Creek Seep.

## REGULAR WORK SESSION:

### 1. GFOA award: Certificate of Achievement for Excellence in Financial Reporting, presented by auditor Paul Backes, McMahan and Assoc.

Drew - No change to this item but there are two changes to the agenda. On the morning agenda, item V, 9 page 2 Sewing Works; there is a request to remove it. We will see it

again in 2 weeks. A clarification in the afternoon agenda item 2. Roman numeral IV, this is listed as a public meeting but it is in fact a public hearing. Those are the only changes I am aware of.

Paul Backes, CPO with McMann and Associates and his firm did the 2010 & 2011 county audit and is here this morning to explain what exactly Garfield County has achieved in its financial reporting.

## **2. County Sheriff Update: Lou Vallario**

### **a. Request for approval of and authorization for the Chairman to sign an Amendment to the Purchase of Services Agreement with Correctional Health Care Management, Inc.**

Attachment Sheriff Correctional Health

Lou – This regards a contract to be renewed.

Commissioner Samson - At this time, I would move that we approve the amendment of this agreement with Correctional Health Care Management, which does business as Correctional Health Care Companies and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

### **b. Request for approval of and authorization for the Chairman to sign the lease with Colorado West Regional Mental Health, Inc.**

Attachment Sheriff Colorado West lease

Gene Duran – Mr. Chairman the matter before the board is a request for approval of an authorization for the chairman to sign a lease with Colorado West Regional Mental Health. It is for purposes of a detox facility at the jail.

Commissioner Jankovsky - I'll make a motion that we approve and allow the chair to sign the lease with Colorado West Mental Health for detox in the jail.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Samson - Before you go Lou there is a concern here and we've had some e-mails from Edward Wilkes, security and so forth. I would like Drew to look into that and report back to them in the next week or two concerning what he finds out.

## **3. County Treasurer's Update: Georgia Chamberlain**

### **a. Finalization of Garfield County Banking Services Agreement (Alpine Bank)**

[exhibits and addendum](#)  
[Attachment Banking Agreement](#)

Georgia Chamberlain submitted the banking agreement with Alpine Bank for discussion.

Commissioner Jankovsky - I'll make a motion that we approve this addendum to the agreement for banking services between Garfield County and Alpine Bank, Colorado Banking Corporation as presented and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

**4. [Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.](#)**

- a. **Approve Bills**
- b. **Wire Transfers**
- c. **Inter-Fund Transfers**
- d. **Changes to Prior Warrant List**
- e. **Renewal of McMahan and Associates contract for financial auditing services**

[Attachment McMahan Contract Renewal](#)

Commissioner Samson – I would so move to approve the Consent Agenda a-e.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

**5. [County Manager Update](#)**

- a. **Public Meetings:**
  - [i. Parachute & Battlement Mesa Parks and Recreation District request for letter of support for GoCo grant - Jerry Morlang](#)**

Commissioner Samson - This has been asked to be pulled at this time because of sickness of Mr. Morlang. Hopefully, they will put that on the agenda for next week or the week after.

Drew asked if he wanted it reschedule to next week.

Commissioner Samson wanted to make it the 21st.

**[ii. Installing 4" P.E Gas line, 3750 feet along east side of CR 154 in Glenwood](#)**

**Springs - Donald Green with Source Gas**  
**Attachment CR154**

Donald Green, Source Gas project manager and Clifford Dick, operations manager for Source Gas were present and presented the request.

Chairman Martin - Everything is clarified, it's 3,750 feet long, it is within the right-of-way with two cuts.

Commissioner Jankovsky - I'll make a motion that we allow Source Gas to work within the right-of-way of County Road 154 to install a 4" PE gas line for 370 feet along the east side of County Road Highway 154; 3,750 feet, and allow the chair to sign.

Drew - Sign the utility permit.

Commissioner Jankovsky - Yes.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Chairman Martin - When's it going to start and when's it going to finish so the viewing audience will know.

Clifford - We will probably not start until April and we are guessing a five to six week timeframe at the maximum.

Chairman Martin - And of course you are working with Betsy in reference to all of the traffic controls and mitigation that needs to be done and notification to those folks who live along there.

**iii. CR-103 intersection with SH-82: Delegation of CDOT access permitting**  
**responsibility to Lafarge West, Inc. representing both the Proposed Powers Batch**  
**Plant and the Cerise Gravel Pit - Betsy Suerth**  
**Attachment CR103**

Betsy Suerth presented.

Commissioner Jankovsky - I will make a motion that we delegate Lafarge to work with CDOT for access permitting on County Road 103 and the intersection with State Highway 82. Do we need to allow the chair to sign that, I guess we do, allow the chair to sign.

Chairman Martin - I think that I need to get that letter to them to make sure that they understand what the rules are.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Chairman Martin - We'll sign that letter and get it off and everybody can do their fair share.

Betsy - And staff will continue to work with the applicant on the design of those intersection improvements.

**iv. To consider participating as a cooperating agency in the review of the Bureau of Land Management's Draft Environmental Impact Statement for management of the Greater Sage-Grouse and its habitat - Fred Jarman**  
[Attachment Cooperating Agency Status Review Request.pdf](#)

Fred Jarman - In your packet commissioners, you've got a letter that was sent from the BLM, district manager Jim Cagney. The letter is self-explanatory but it is letting you know that the BLM is beginning to undertake an EIS for looking at conservation measures for Sage Grouse as it affects a very large western region, but particularly Garfield County and northwest Colorado.

Commissioner Samson - I would move that we direct our staff to write a letter as well as call Aaron Dryfus concerning the request by Garfield County to enter in as a coordinating agency for the greater Sage Grouse and authorize the chair to sign that letter after it is drafted.

Commissioner Jankovsky - Can we add to that we are also going to move forward as a cooperating agency as well.

Commissioner Samson - Well would it be necessary for us to be a cooperating if we were a coordinating?

Fred - I think you want to reserve your right as a cooperating agency.

Commissioner Samson - Reserve the right but what I'm saying if we are a coordinating, I'm saying if we can't get the coordinating, we definitely want to reserve the right yes.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**v. Request of funding for improvements to Gus Darien Arena - Town of Carbondale**  
[Attachment rodeo funds request](#)

Jay Harrington, Town Manager of Carbondale was present.

Drew Gorgey - This letter is from the Mayor of the Town of Carbondale, Stacey Bernot, for a request amount of \$50,000.

Commissioner Samson - I would move that we grant the request for funding improvement to the Gus Darien Arena to the Town of Carbondale for the amount of \$50,000.00 and wish them good luck in such an endeavor and authorize the chair to sign.

Chairman Martin - Clarification, have you identified the funds in which it should come from.

Commissioner Samson - From the commissioner's discretionary funds.

Commissioner Jankovsky - I would like to second that but I would like to add that one condition is to add that the town matches with \$10,000.00.

Commissioner Samson - I meant to say that, I accept that.

Drew - What I would ask is if the town would, if they haven't already, I don't know if that is within your discretion as the Town Manager to release that amount of money or not. But if the commissioners could get back from the town either a letter or a resolution on the \$10,000.00 that would be the starting point for the release of the \$50,000.00.

Jay - I don't think we'd request the release until which time we raised the total amount to do the project or at least the covering. So we're not going to ask for you to come forward with the actual cash before we give you a whole project budget.

Drew - I appreciate that and what the commissioners are doing today in effect is a pledge conditioned on the \$10,000.00 and then to be reduced to writing when we actually, when you are actually ready.

Jay - If do the GOCO route we'd come back and ask for that in writing so they could use that as part of our grant application. If we can raise it locally we'd come back when we have the entire package together.

Chairman Martin - Using the \$50,000.00 pledge for the matching for GOCO is what you're looking at. Another words we wouldn't pledge that \$50,000.00 if they were successful. Again, I think the money is going to be there no matter what.

Drew - It would probably be helpful for their application to just reduce this motion to writing in the form of a letter and if the chair could sign that, which would probably be helpful.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**vi. Recommendation to award a contract to Sandy's Office Supply - Jamaica Watts  
Sandys Office Supplies**

Jamaica - Before the board today is an award to Sandy's Office Supplies to supply office supplies for 2012.

Commissioner Jankovsky - I'll make a motion that we approve the contract with Sandy's Office Supply for office supplies in the amount not-to-exceed \$250,000.00 for Garfield County.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**vii. Approval of a contract with GeoTrans, Inc. for the continuation of Phase III of the Hydrogeologic Study of the Mamm Creek Area - Jamaica Watts and Kirby Wynn**

[Attachment GeoTrans Hydrogeologic Study](#)

Jamaica - I am requesting an approval and authorization for the chairman to sign a contract with GeoTrans in an amount not-to-exceed \$94,839.00 and this is a continuation of phase 3 of the hydrogeologic study.

Commissioner Jankovsky - I will make a motion that we approve the contract with GeoTrans Inc. for the continuation of phase 3 of the hydrogeologic study in the Mamm Creek area in an amount not-to-exceed \$94,839.00 and you don't need to sign that or do you?

Chairman Martin - No, if necessary I guess we could.

Commissioner Jankovsky - And allow the chair to sign if necessary.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Samson - When would be a completion date on that do you think?

Kirby - We should complete our field sampling this summer, late summer sometime.

We're still working on exact timing of the actual water quality samples in addition to hydrogeologic monitoring. So the reports should be completed in 2012 probably late in the year by the time they go through the reviews and get it signed, sealed and delivered and have the GeoTrans folks come and present the results to them. Quite late in the year probably.

[viii. Request for approval of and authorization for the Chairman to sign the Purchase of Services Agreement and Lease with Lower Valley Trails Group \("LoVa Trails"\)-Gene Duran](#)

[Attachment LoVa Service Lease Agreement](#)

Gene Duran and Larry Dragon presented. This is a continuation of an ongoing relationship with LoVa Trails Group for \$50,000.

Commissioner Samson - I would move that we grant the request for approval and authorization for the chair to sign the purchase of service agreement and lease with the Lower Valley Trails Group (LoVa) for the amount of \$53,710.00 to provide services related to trails.

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	CARRIED

[ix. Progress Report regarding Environmental Health and Monitoring Study Design - Jim Rada](#)



Jim Rada presented the report. A meeting is scheduled for April 3 to get the initial work and have a conversation with the state health department regarding the monitoring expansion.

**b. Public Hearings:**

**LUNCH - Noon**

**i. Public Hearing: 2012-2015 Community Services Block Grant for Senior Transportation - To ratify Board action of January 16, 2012 and to correct any defects in published notice**

Drew Gorgey - This matter was before you originally on January 16, 2012. It concerned the 2012/2015 community services block grant for senior transportation. The board had a full presentation on that day and it had been noticed; but they need you to ratify their actions based on a legal opinion.

Commissioner Samson - I would move that we as a board, we ratify the board action from January 16, 2012 to correct any defects in the public notice concerning the 2012/2015 community service block grant for senior transportation.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**6. County Attorney Update: Andrew Gorgey**

Drew has two items: Introduction of Tari Williams, newest assistant county attorney and the Citizens Advisory Group for the Land Use Code revision part two.

**COMMENTS FROM CITIZENS NOT ON THE AGENDA: 1:00 p.m.**

**REGULAR AGENDA: BUILDING & PLANNING ISSUES**

1. County Attorney Update - Land Use Issues: Andrew Gorgey
2. Public Meetings:
  - i. Consider a request for a partial release and acknowledgement of satisfaction of public improvements for Elk Springs, Filing 6A. Applicant requests release of \$100,937.00 for completed improvements and seeks the Chairman's signature on an Acknowledgement of Partial Satisfaction and Direction to the Treasurer under Treasurer's Deposit Agreement. Applicant is Elk Springs, LLC. - Kathy Eastley  
Attachment elk springs 6a tda

Kathy Eastley - This is a request from the applicant for a release for collateral they provided for improvements.

Commissioner Samson - I would move that we approve the request and authorization for you as the chairman to sign the acknowledgement and partial satisfaction and direction to the treasurer upon treasurer's deposit agreement for the release of \$100,937.00 to an authorized representative.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**ii. Consider a request for a partial release and acknowledgement of satisfaction of public improvements for Elk Springs, Filings 9 and Filing 8, Phase 2. Applicant requests release of \$61,320.00 for completed improvements and seeks the Chairman's signature on an Acknowledgement of Partial Satisfaction and Direction to the Treasurer under Treasurer's Deposit Agreement. Applicant is Elk Springs, LLC. - Kathy Eastley**

Attachment Elk Springs 9 and 8p2 tda

Kathy Eastley – This is a request for Elk Springs.

Commissioner Samson - I would move that we also approve the request and authorization for you as the chair to sign the acknowledgement and partial satisfaction direction to the treasurer under treasurers deposit agreement for the release of \$61,320.00 to an authorized representative of Elk Springs.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**iii. Consider a request for call-up' for consideration of scheduling a public hearing for an Accessory Dwelling Unit application. The administrative review of the request resulted in a denial by the Director of Building and Planning based upon adjacent property owner concerns. The Applicant also requests that a public hearing be scheduled for consideration of the application by the Board of County Commissioners. Applicant is Daniel Adams. - Kathy Eastley**

Attachment Adams ADU

Dave Doolen was present representing Daniel Adams.

Commissioner Samson - I would move that we honor the request from the applicant and this call-up for a public hearing be scheduled for April 2, 2012 in the afternoon and that you will furnish us with written notification that's a waiver okay for that hearing date because it wouldn't be within the required 45 days.

Commissioner Jankovsky - I would like to note that this is for an ADU unit in the call-up as well.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

iv. To consider a request to amend a Special Use Permit to modify Condition 1 of Resolution No. 2010-64 allowing an approved Temporary Employee Office to continue to use temporary water and waste water systems for one (1) year on Parcel Number 2409-22-00-148 and to authorize the Chairman to sign a resolution to memorialize the Board of County Commissioner action taken at the public hearing held on February 6, 2012. The Applicant is American Soda, LLP - Molly Orkild-Larson.

Attachment American Soda complete

Renata Busch, Permitting/South Rockies Construction for the applicant EnCana Oil and Gas (USA) Inc was present.

Carey confirmed notification and informed the commissioners they may proceed.

Chairman Martin asked if any challenges, there were none and he swore in the speakers.

Molly read the exhibits A – K into the record and gave a presentation. Molly provided the commissioners with the suggested findings. Staff does recommend approval and to amend condition #1, and to add a condition for #2, which specifies once their time is up remove the vault and haul system. Under condition #1, she is suggesting 2 years verses 1 year because there have been some delays.

Chairman Martin – Is there a motion to close the public hearing?

Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Jankovsky - I will make a motion that we approve a land use change permit through amendment to Resolution number 2010-64 to allow the temporary employee housing office of EnCana on American Soda property to continue to use the vault and haul system for potable water and waste water for 2 years commencing at the date of this resolution, which will be February 6, 2012 and ending on February 6, 2014. The applicant shall provide to the building department invoices on a quarterly basis for the potable water and sewage disposal vault system hauling. If necessary prior to the 2-year expiration date the applicant shall submit an application to the Garfield County Building and Planning Department and come before the BOCC in a public hearing to request another extension. I'd like to add to that condition that once the temporary office building is vacated by the applicant this building and the potable water and sewage vault and haul system shall be removed from the subject site.

Commissioner Samson - I guess the rest of that is self-explanatory.

Commissioner Jankovsky - I think so.

Molly - Could you repeat your condition?

Commissioner Jankovsky - Yes, for condition #2, and add a condition to say once the temporary office building is vacated by the applicant this building and the potable water and sewage vault and the haul system shall be removed from the subject site. It's easier to remove them when they are empty.

Commissioner Samson - You might want to add on there that they need to contact the building department to schedule the inspection.

Commissioner Jankovsky - And I'm good with that.

Chairman Martin - So there has been an amendment to add an inspection at the end of the removal of those sites so that the site is clear.

Molly - I guess I am not seeing where you changed it.

Commissioner Jankovsky - I did not change it. I read it verbatim Molly, almost verbatim I left out one sentence.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky - Thanked the applicant for EnCana's commitment to place an office building in Parachute and I think that shows a commitment by the oil and gas industry for the future here in Garfield County. I was very pleased to hear that and would like to encourage you to use as many local contractors as possible when building that building.

David - That was a precondition with our contractor he is using mostly subs from this area.

### **3. Public Hearings:**

**[i. Consider a Request for a Major Impact Review for a Land Use Change Permit for an Asphalt Batch Plant - Processing, and Related facilities located off of County Road 315, approximately 1/3 of a mile south of the Interstate 70 Mamm Creek Interchange and 1/3 of a mile east of the Garfield County Airport, generally situated 2.5 miles east of the City of Rifle. The Applicant is Bedrock Resources LLC, Charles Ellsworth , Manager - Glenn Hartmann](#)**

[Attachment bedrock resource](#)

David Smith, Tom Peterson, Jeff Simonson, Charlie and Damien Ellsworth the applicants were present.

Carey Cagnon has also been provided with an advance copy of some of what they have submitted. Carey established notification and confirmed they have met the notice requirements and the board can proceed.

Chairman Martin - Swore in the speakers.

Glenn – In the packet, you have a list of the Exhibits. New Exhibits include CC – XX. Chairman Martin put CC through XX into the record.

Commissioner Samson - I would move that we have a continuance of this public hearing scheduled for Tuesday, February 21 and at that time receive further information from what we requested from our staff as well as the applicant and anyone else who wants to comment.

Chairman Martin - All right and that would be in the afternoon after 1:00 p.m.

Commissioner Samson - Yeah.

Chairman Martin - All right, do I have a second? I know Tom that you would like to have a decision today but I think that the best thing possible to make sure that the record is clear and we're making a concrete decision with the facts and figures in front of us. That there's no more guessing, there's no more finger pointing; if it's non-compatible and it won't work we have to make a decision. If it is possible and there's mitigation needs to be done, Charlie it's going to fall on you probably to take that mitigation. At least we will know the facts will be on the table.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

#### **4. Public Meetings:**

**i. Unified Land Use Resolution Advisory Committee (ULURAC) adoption of resolution, by-laws and appointment of Committee members. Review of proposed budget and draft request for proposals - Fred Jarman, Tamra Allen**  
**Attachment ULURAC**

The Clarion document is a framework, groundwork to move forward. The RFP has both of those as starting points.

Commissioner Jankovsky - I make a motion that we approve a resolution concerned with the creation of an advisory committee on the land use code of Garfield County and adoption of by-laws and the appointment of members. In that I would like to on page 2, section 2B strike at the afternoon session of the board and then on page 3 under number 5 conflicts of interest; I would like to eliminate the sentence that says in addition any recommended text amendments and goes down to just that sentence, then it would start with accordingly the county will not view the appearance of any committee member from the planning commission and the board on a personal or private land use matter as a conflict of interest based upon such member's involvement with the committee. I'd like to have a number 6, which would be levels of review, which would start with any recommended text amendments or replacements, replacement amendments of the ULUR will be reviewed by the planning commission which would forward its own recommendations to the board, who will take final official action and based on the input

from the committee, planning commission, county staff and members of the public. In number 7 would be the by-laws.

Carey - One point of clarification; did I hear that you wanted to increase it to 12 members?

Commissioner Jankovsky - You are correct, I would like to have 11 members plus 1 planning commission member. So that you are correct, I'd like to add that as well.

Commissioner Samson - It'll be in page 2.

Commissioner Jankovsky - Page 2, membership, let me see there is something in there on planning commission members; I believe. The committee shall have one additional member representing the Garfield County Planning Commission, which makes it 12. The committee shall be comprised of 11 members who are county residents for 12 members and this includes one planning commission member.

Tamra - I have a couple of modifications I just wanted to clarify. One is just so that the modification to 2B in the resolution reads well. I believe it should read the committee will meet regularly and will provide an update to the board at a public meeting at the second regularly scheduled meeting of the month.

Chairman Martin - There's a few extra words in there.

Tamra - The second modification I believe that needs to be made based on your discussion earlier is exhibit "a" in the by-laws under section 11. To read eliminate regulatory barriers that may encourage economic development.

Chairman Martin - Well what you want to do, it's a negative sentence and make it into a positive sentence so that it will encourage economic development.

Tamra - So let's say encourage regulations. I think encourage economic development.

Commissioner Jankovsky - Encourage.

Tamra - It's a little redundant. That supports economic development. Encourage regulations that may support economic development. Does that read all right? Another modification would then be to Article 3, membership section one changing that also to 12 members.

Commissioner Jankovsky - And the other thing in 3 would be attendance as well.

Tamra - Exactly and then modifying article 3, section three to reflect the planning commission attendance requirements. And one typo on article 7, section 2 would be changing the address to 108 8th Street, Glenwood Springs.

Chairman Martin - How about the title; did we agree upon the title?

Tamra - I believe we've changed the title as well we can reflect that title in the by-laws.

Commissioner Jankovsky - Reflection in the by-laws as well yes.

Fred -Chairman, may I ask a question about the simple majority of the membership constituting a quorum? 12?

Commissioner Jankovsky - It'd be 7 that's right.

Chairman Martin - Unless there's a 2/3's.

Commissioner Samson - Just put to 2/3's majority, which means you'd need 9 out of the 12.

Chairman Martin - If you got that many at the meeting.

Tamra - Those are all the additions I had.

MOTION

Commissioner

SECONDER

Commissioner

VOTE

UNA by roll call vote

Tom Jankovsky Mike Samson

**ii. Planning Commission/Board of Adjustment Candidate Interviews - Fred Jarman**

**Attachment Planning Commission and Board of Adjustment Appointments**

Commissioner Jankovsky - I'll make a motion that we appoint the seven members from the working group that have expressed interest to be on the advisory committee and those being Dave Smith, Lauren Prescott, Michael Erion, Sandy Hotard, Tim Thulson, Brett Jolley, and Walt Brown.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Samson - I will make a motion that the P&Z member be John Kuersten.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Samson - I'll make a motion then that we also appoint to round out the twelve member board the four individuals of Chris Hale, Mark Nieslanik, Larry McCown, and Craig Richardson. I would just like to say to those seven thank you for all the work you have done; you've got a lot of work to do.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Samson - I would move that we approve \$7,500.00 from the general fund for supporting the financial resources required for said committee. I don't know what that committee's name exactly was.

Chairman Martin - Advisory committee on land use...

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Jankovsky - I make a motion that we go out at this point for a request for proposals for a professional planning consultant to help the advisory committee on code; Garfield County code as presented before us.

Commissioner Samson - Do you want to amend it and say that the proposals must be received no later than 5:00 p.m. February 29.



Commissioner Jankovsky - Yes, ASAP. As short as they can make this to go through the process.

Chairman Martin - That is short notice. I'm hoping that people can go ahead and advertise that and put a proposal together with the scope. That's kind of what I'm looking at too. Is it too short of a notice? If it is and we don't get responses maybe we'll have to extend it out.

Tamra - I did want to call two things to your attention. One that there's a couple typos that they will modify. We will also update it so it has twelve members as well as rename the advisory committee and also just wanted to call to your attention that we have you all listed as the final selection of the consultant. So as we receive internally the RFP's we'll arrange a meeting and sent out to all for you to review and actually make that final selection of the consultant.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Chairman Martin - My only question to Fred; what is the role of the staff that you've got going in reference to this group. Are you going to have anyone there? Is it going to be like P&Z?

Fred - Yes.

## ii. Planning Commission/Board of Adjustment Candidate Interviews - Fred Jarman

The following applicants were interviewed, Greg Shaner - Silt, Ed Brown – Carbondale/Missouri Heights, Stephen Damm – Glenwood Springs, Keith Lammy – Battlement Mesa and Sean Mello - Silt.

## Energy Expo

Commissioner Samson - Last May in conjunction with the energy expo we put on a summit, invited and had seven counties attend. He named those counties. He heard nothing but good comments from the commissioners/staff that came. Thinks it was a great thing. He would like to see us expand that and he thinks the other counties will come again, especially Routt. Maybe even expand that; perhaps Weld County will want to bring someone over. Direct Fred to set-up again. Could have from 8:00 a.m. to noon, feed them and take them to the expo. He wanted to know if he had the commissioners blessing to have Fred go forward with that and they did. He will work with Fred.

## COMMISSIONER ISSUES and REPORTS

Commissioner Samson - Tom has met with Fred and some others. He believes this board; he thinks it is incumbent upon them to develop some kind of an economic development strategy. He thinks the other two feel the same way. How they go about that he doesn't know. Possibly have a workshop and get all the players in the room.

Maybe just be brutally honest and say in our estimation in doing this, it's not working. We need to have a strategy. We are blasting out there and we've captured some things but we are a little disorganized. He thinks the three of them need to get a strategy and a plan together if someone walks up to them and asks what exactly is the scope on economic development in Garfield County. We can say here's the plan.

Commissioner Jankovsky had the same feelings as well since the budget process and he realized we don't have a good plan. The more he has seen what we did for a year; government is not really set-up to be sales people and trying to go out and travel all over the country and bring economic development here. He doesn't feel they have the ability to do that, it's not our role. He had a meeting with Randi Lowenthal, Fred, Carey, and Clark Becker. Clark gave them an overview from his standpoint and Tom realized we are not good at economic development other than looking at our regulations and getting it out to the community that we are supportive of business. Try to improve economic development through code. We can provide certainty to businesses that come here and gain approvals. He thinks the thing that is missing right now there is a vacuum at the top with the EDC's. They are coming in asking for money but there is no collaboration within the county, no meetings, no direction. After the meeting Carey, Drew, Fred and he met the next day and they thought the best thing might be to come back get all the players in the room, ask Clark to come back, also Rocky Scott from El Paso and have them lead a forum that the commissioners attend and invite the EDC's. From that, we will come out with a good idea of what we want to do. He is to the point now if a private business wants to come here they will be private businesses that will seize the opportunity. We do not need to subsidize them. Maybe what they need is someone who can help them through the process. Someone could provide statistics, demographics, the information businesses need; just not left out there on their own. He used the example when they were all in the room with Summit Midstream and he looked around the room. They said they were looking for office space in Rifle, the Town of Rifle wasn't there, and the Rifle EDC wasn't there. Maybe ask Carey or Fred if they have any more to add.

Chairman Martin - We need to identify what we can assist on; rules, regulations.

Commissioner Jankovsky - Culture within the county that's business friendly.

Chairman Martin thinks it is worthwhile to have a workshop.

Drew - To have the leadership from the municipalities, the commissioner's leadership and the leadership from the economic development entities that we have and some business leaders all hearing what you all heard in the same place and at the same time would be invaluable. To Commissioner Samson, the main philosophical shift, where the responsibility for economic development lies and what that responsibility is. Which they have discussed in other contexts primarily the responsibility for economic development comes from the business community and the role of government is to provide a business friendly environment through streamlined regulations. A certainty in regulatory process in so far that is possible. Whether or not direct benefits to economic development organizations are preferred is one topic to discuss. Trying to have an available, trained and work ready workforce is another topic and hears all this in an orderly way he thinks will be very helpful. It also ties in exactly to what we were talking about this morning with funding requests. There is a difference between funding a youth swimming program or a community museum and some of the other requests we

get that are in the nature of economic development and trying to organize those so that we can help the most people but not inject ourselves in a place where business or private sector might be more effective.

Commissioner Jankovsky - Fred brought up one thing; if someone is looking to do something in county they go to the planning department to find out what the rules and regulations are and what they have to do. Even sometimes where is the best place to go. There might be a person in Garfield County who helps in collaboration with the other EDC's. Instead of calling it economic development from Garfield County, it is our number one goal, they want to create jobs but he doesn't know that it is their number one role. We can help, assist but he doesn't know if it is our role to finance. He doesn't know if it is even to have employees out trying to do economic development because we are government.

Chairman Martin – We'll talk about that in the workshop.

**a. Commissioner Reports**

**b. Commissioner Calendars**

Commissioner Samson - Tomorrow we have a work session at 8:00 a.m. to learn about water. Wednesday night, Drew have you confirmed the meeting with the City of Rifle. Drew has it on his calendar. Mike asked him to call and make sure it is set with them. They usually have an agenda and he asked Jena to check. First thing he would like to talk about is recycling at 6:00 p.m. at Rifle City Hall. AGNC usually meets on Thursdays; it has been put to third Thursday because he will be speaking at the chamber of commerce luncheon. He had a question if there was a fair board meeting on the 9th?

Drew believes the next one is the 13th; but he will find out.

Commissioner Jankovsky is having lunch with Dave Sturges; he has Live Well grants with Drew and Mary Meisner tomorrow. Wednesday morning he has Health and Human Services commission, in the afternoon Garfield Clean Energy, Rifle council in the evening and he is going to a retreat on Thursday with Dave Sturges. He speaking to Rotary at noon on Friday. He wants to talk a little bit about BLM and oil shale because oil shale came out with their decision and an alternative. Their alternative was for 35,000 acres in Colorado for oil shale leasing and their reasoning is they don't know, what's coming out of the R&D development. He really sees it as a way to tie up the lands so they will not be available for leasing. He is trying to talk with other county commissioners.

Commissioner Samson asked Tom if he would you like to come to the AGNC meeting. It's Thursday the 16th at 10:00 a.m. in Rifle. He will get him on the agenda.

Chairman Martin heard from Noah from Senator Bennet's office on this issue.

Commissioner Jankovsky will call Michael Key in Utah, follow-up and get some contacts. To him this is as big as the Keystone pipeline. You have enough oil and oil shale in the Piceance more than there is in Saudi Arabia. And we are going to close it down except for 35,000 acres. Once it is closed down, the difficulty of trying to get that back into leasing is very high.

Chairman Martin – We're both meeting in Silt, thought one was in New Castle. There is an Antero town meeting Tuesday evening, 6:00 p.m. at the firehouse. Then they have

another meeting in Silt on Wednesday at 6:30 p.m. at Silt firehouse. Since all of the commissioners are busy on those nights maybe they should send a representative. Drew is sure Kirby has that but he will find out.

Chairman Martin - Thursday and Friday he has CCI at which time he will report on proprietary legislation on oil and gas. He knows he was quoted in the paper today; he is not for or against it but what they need to do is see what the steering committee does and what happens to that particular bill. He knows industry is not supporting that particular bill and neither is CML or CCI.

Commissioner Jankovsky - You have an appointment on the public lands committee.

Chairman Martin - They had an election and they put on a few more people; he named them.

Drew - There is a meeting on the 14th in Meeker.

Commissioner Jankovsky is planning to attend and Kirby as well. That has to do with oil and gas regulations. It starts at 9:00 a.m.

Drew - Carey will be with them in the morning for the water seminar. He will be spending a few hours in one of the county departments tomorrow.

**c. Approval of Minutes**

i. **October 17**

ii. **November 14**

iii. **November 21**

iv. **December 12**

v. **January 6, 2012 – Carolyn's party and motions**

**d. Commissioner Agenda Items**

**ADJOURNMENT**

**WORK SESSION MINUTES**

**February 7, 2012**

**SPECIAL WORK SESSION**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

## 1. 8 a.m. - 10 a.m. Water 101 for Elected Officials & Staff - Ken Neubecker

### **Introduction**

Ken Neubecker introduced how water works in Colorado and water needs. "When you touch water you touch everything." In the west, you are an advocate for water. You cannot isolate water for one specific thing. It is important that rights be protected. Farms and growing cities need a heavy supply of water year round. Today we have to deal with many federal and state regulations. NEPA, 1041, Permitting Regulations, 1041 regs are interesting they are a state regulations where counties are allowed to regular matters of state interest. Garfield County doesn't have any 1041 regulations. He explained the difference between consumptive and non-consumptive water. There was a very long discussion on the following topics with input from the Commissioners. Dave Sturges participated.

**Federal Water Rights** - The federal government under its own direction acts like everybody else and get a decreed water right. They are not limited and have some authority.

**Wild and Scenic Designations** - Colorado probably has some of the most spectacular wild and scenic waters in the Country.

**Endangered Species Act** - This is one can be Draconian and trump a lot of local water rights and state laws.

**Wilderness Areas** - People think those are a real locking legislation that once that's established you can't do anything.

**Due Diligence** - If you have a conditional right, you are required to go back to the water court every 6-years and show that you are diligently working on perfecting that right that you are actually working on it.

**Snowpack at Independence Pass** - As of today, we are still below the snowpack of 2002 giving an idea of where we are - another dry year.

**Clean Water Act** - Number Section 404 is probably one of the biggest ones with getting permits from the Corp of Engineers for disturbing the stream.

**Bureau of Reclamation** - This is big federal government that provides the water supply, then the federal government got involved in the whole water supply business because the local and state organizations, the mutual irrigations companies and the states could not afford to do it by themselves. They needed the financial influence of the federal government.

**1902 The Newlands Act** - This established reclamation.

**Transmountain Diversions** - These are something that impact us on the western slope quite a bit especially the further up you get into the headwater counties.

Dave Sturges asked some questions and clarifications.

Ken answered all his questions.

### **Senior Calls – Shoshone**

Ken - We have two protective senior calls on the river. The most important is the Shoshone.

**The Cameo Call** is the call that protects water in the Roaring Fork Valley much more than Shoshone; the Roaring Fork is not affected by Shoshone.

**West Divide project** - They are looking at storage up here in the Marble area it is much-reduced reservoir.

### **Future Growth**

Ken – Looking to the future growth is a big issue. The Colorado population today is 5 million people; it's expected by the state demographer to at the high end double by 2050, 10 million people at the lowest would be about 8 million people. Most of the growth is expected to grow along the east slope which is no surprise and the west slope growth is still expected to be substantial and mainly along the I-70 corridor. We'll need water for that, quite a bit.

**Energy and Water** - There is some nexus between energy and water. My major concern with fracking is the amount of water it takes. It's an average of 5 million gallons per well. This is a much bigger concern on the Front Range right now than it is for us, especially in Weld County because they are using all the municipal water for the fracking. Chairman Martin - That's why they need to recycle their water. The technology they need to look at is the future technology of water use and energy that they need to improve.

### **Oil Shale Development**

Ken - The other big question is oil shale development and it could use, the range is from 720 acre feet a year to nearly 400,000 acre feet a year that's depending on the technology, how it's used.

Chairman Martin - 1896 technology is surface retort, we've come a long way since 1896.

**Climate Change** - This is one of those things that you can get into a discussion of how and what, but what you do need to know is that all the state agencies and water providers are taking this very seriously, they can't afford not to. By 2050, Colorado River flow could decline by as much as 10% and water storage decline as much as 32%. In the big water storage there is a picture of Lake Mead and the Crisp Project, the Colorado River Storage project from Fontanel, Flaming Gorge, Claim Canyon, Lake Mead, we already see that. They are right now about 65% of storage capacity.

**Supreme Court** had rules between the states where priority was the law and that's what ruled. Many people depend on water from Colorado, particularly Colorado and Wyoming National Forest, it's now at 35 million people. Most people when they think of the Colorado River and big metro areas think of Las Vegas and Phoenix, but it also includes Albuquerque, Tulsa and Omaha. They also get water from Colorado. They are going to be depending more and more in the future on water that originates in Colorado. This is one of the issues we're facing. One of the things the state is looking into, what we can safely pull out of the river whether it's from Flaming Gorge or from here without triggering a compact call.

**Water Banking** is pre-1922 rights that Ag holds and setting up an agreement that if there is any event of a compact call, if you follow your fields and make that water available for Colorado needs or to meet the Compact Impact Needs, you'll be paid for it. Eric Coon is one who knows everything on that subject.

**February 21, 2012**

## **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

### **ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

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

**REGULAR WORK SESSION:**

**1. County Sheriff's Update: Lou Vallario**

**a. Consideration/approval of 2012 Agreement with Correctional Healthcare Companies - Sheriff Lou Vallario and Gene Duran**

**Attachment: PURCHASE OF SERVICES AGREEMENT - CORRECTIONAL HEALTHCARE COMPANIES**

Lou Vallario, Gene Duran and Tari Williams presented the renewal for Correctional Health Care.

A motion was made by Commissioner Jankovsky - I would make a motion that we approve the 2012 Agreement with Correctional Healthcare Companies for \$850,226.32 which goes from March 1, through December 2012 and that works out to be \$85,022.63 per month and authorize the chair to sign.

**MOTION**

Commissioner  
Tom Jankovsky

**SECONDER**

Commissioner  
Mike Samson

**VOTE**

UNA by roll call vote

**2. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**

Jean Alberico confirmed all items were present.

Chairman Martin - Any item that needs to be discussed or removed.

Lisa Dawson - Yes, item b.

**Discussion**

Commissioner Jankovsky – I'm glad you brought that up Lisa because I had some questions.

Lisa answered the questions related to item b.

**b. Approval of Landfill Earth Day and Employee Coupons**

**Attachment Earth Day Employee Coupons**

Commissioner Jankovsky - I will make a motion that we go ahead, approve the Earth Day and Employee Coupons, and ask finance to take that out of discretionary funds.

**Discussion**

Lisa - Thank you for the direction.

Commissioner Samson – Betsy, I had a question concerning the other things that you mentioned. Give me an idea of what that was.



Betsy - Some other organizations have clean-ups, Lift Up is another one.

Commissioner Samson - I'm trying to get the cost of all those programs; last year was \$62,000 correct.

Betsy - We don't know the total, we're figuring all that out right now. We had closed 2011 before we knew all those numbers and we'll come back to you on March 12 with the tally.

Drew - To clarify, the packet has three pages and page 1 is the Earth Day Coupons that are being mailed to the postal patron list. I was trying to get a sense as to how many were on that list; there are 59,000 residents, when you subtract households do we have a ballpark figure.

Commissioner Jankovsky - 25,000 households in Garfield County.

Drew - 25,000, this is tied to Earth Day Coupons; Earth Day is April 23. I was curious about the expiration of December 31; I did not understand.

Chairman Martin – If you took all the coupons on Earth Day you would not believe the lines. We have experienced this in the past. What we decided to do was the extend these past Earth Day throughout the year so each household could have \$15 on one load as a benefit for being a county resident and living within the borders. That did not overwhelm the Landfill and it did not inconvenience all of the citizens who tried to get there on Earth Day. I thought it was a much better approach to stretch it out; therefore the expiration date.

Drew - I do appreciate the explanation.

Commissioner Jankovsky - On top of that, there is a cost to producing the mailings. It is that handled by Landfill staff or who handles the specifics of the mailings. Do we contact that out?

Betsy – No, it's all handled by the Landfill staff except the printing.

Commissioner Jankovsky - We have a printing cost and then 25,000 pieces of mail.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**a. Approve Bills**

Commissioner Samson - I would move we approve the bills as presented and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**[3. 2nd Amendment to the 2012 Budget - Lisa Dawson](#)**  
**[Attachment 2012 BudgetSupplement #2](#)**

Chairman Martin - This is a public hearing.

Lisa Dawson - We gave Mr. Gorgey a copy of the publication.

Drew – It was published in the Citizens Telegram on February 16, 2012 for today's date and time at this location; I'll tender this to the Clerk and Recorder.

Chairman Martin - Any challenges to the notification? Hearing none, we will accept. He swore in the speakers.

Lisa - Director of Administrative Services for Garfield County presented Exhibit A and explained the changes to the 2012 budget.

Commissioner Samson - I will move that we approve the second amendment to the 2012 budget for a total of \$675,083.00 and authorize the chair to sign.

Lisa – This should be an increase in revenues of \$139,823.00, a total increase of expenditures of \$675,083.00. It is two separate items.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

#### **4. County Manager Update**

##### **a. Human Services Commission: Sopris Therapy Services - Pat Horowitz; Mountain Valley - Dana Peterson & Bruce Christiansen Attachment Mountain Valley**

Drew - Under the county manager update, there is one change to today's agenda. I saw Ms. Shaw waiting around earlier; she may have already received this message. We would ask that you allow us to reschedule Item 4d iii at the request of the applicant. They want more time to look over the revised scope of work. You will see that next Monday or March 12.

#### **4a - Human Services Commission - Sopris Therapy Services and Mountain Valley.**

Bruce Christenson and Dana gave the Mountain Valley update.

##### **b. Board of Human Services: i. EFT/EBT Disbursements**

Mary gave the dollar amounts for the EFT/EBT for the January disbursements.

A motion was made by Commissioner Jankovsky - I'll make a motion that we approve the EFT/EBT Disbursements for January 2012 in the amount of for food assistance \$243,732.96; and for food assistance for \$91,067.66 for a total of EFT/EBT disbursements of \$934,800.52 and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

##### **ii. Consideration and Approval of Notice of Grant Award with the Area on Aging of Northwest Colorado for Caregiver Support and Senior Equipment**

## Services

Mary Baydarian presented the Grant Award with the Area on Aging of Northwest Colorado for the Caregiver Support and Senior Equipment Services.

Commissioner Jankovsky - I would make a motion that we approve the Grant Award with the Area on Aging of Northwest Colorado for Caregiver Support and Senior Equipment Services in the amount of \$97,212.00 and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### iii. Consideration and Approval of Notice of Grant Award with the Area on Aging of Northwest Colorado for Congregate Nutrition Services

Mary Baydarian presented the Grant Award with the Area on Aging of Northwest Colorado for Congregate Nutrition Services.

Commissioner Samson - I would move that we approve the Notice of Grant Award with the Area on Aging of Northwest Colorado for Congregate Nutrition Services for a grant award of \$129,526.00 and authorize the chair to sign.

Chairman Martin - Price of food and price of delivery seems to go up in hard times. That's what we're experiencing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

### iv. Notice of Authorization for additional funding from Colorado Department of Health Care Policy & Financing for processing of applications for Adults without Dependent Children is included in the packet for the Board's review.

Mary Baydarian - This item does not require your signature; it is a significant award and a change to our program. For your attention is the Notice of Authorization for additional funding from Colorado Department of Health Care Policy & Financing for processing of applications for Adults without Dependent Children; it is included in the packet for the Board's review.

### v. Consideration and Approval of Change in name of Self-Sufficiency Division to Economic Security Division

Mary Baydarian – Our change in Garfield is Self-Sufficiency Division to Economic Security Division.

Commissioner Samson - I would move that we grant the request and approve name change of the Self-Sufficiency Division to Economic Security Division within the department of Human Services and authorize the Chair to sign such.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**vi. Program Updates - Program reports are included in the packet for the Board's Review**

Attachment A DHS Reports

Attachment B DHS Reports

**c. Board of Health:**

**i. CDPHE Master Contract - Mary Meisner**

Attachment CDPHE Contract

Mary Meisner, Director submitted the contract and update.

Commissioner Samson - I would move that we approve for your signature the contract with CDPHE for the CDPHE Master Contract with Garfield County.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**ii. Live-Well Colorado Initiative Update - Mary Meisner**

Attachment LiveWell CO

Christine Singleton and Mary Meisner presented the update for Live-Well Colorado.

Chairman Martin - Do you need a motion?

Drew – No, just direction to staff is fine.

Commissioner Jankovsky - I would encourage you to move forward with this; it's important for our communities.

**iii. 2012 Farmer's Market Request - Christine Singleton**

Attachment Farmers Market

Christine Singleton presented a request for Farmer's Market for 2012 for an additional \$4,000, a total of \$14,000 for Cooking Matters and Farmers Market.

Commissioner Samson - I would move that we grant \$4,000 additional dollars out of discretionary fund for the Cooking Matters/Farmer's Market Program and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

**iv. Approval of license agreement to install air monitoring equipment on property owned by Colorado Rocky Mountain School, Inc. - Paul Reaser**  
Attachment Air Monitoring License CRMS

Paul Reaser and Mary Meisner presented the license agreement for installing air-monitoring equipment at Colorado Rocky Mountain School, Inc and explained the details.

A motion was made by Commissioner Samson - I would move that we approval the license agreement to install air monitoring equipment on property owned by Colorado Rocky Mountain School, Inc. and that with this agreement we also request that our staff write a letter acknowledging our thanks to CRMS for allowing us to do such.

**Discussion**

How big an area is that going to be?

Paul - It's about 200 sq ft area, 20 x 10.

Commissioner Samson - We want to express our appreciation for their willingness to let us use the land. I think it would be appropriate to send a letter, "We recognize your willingness to do this for the benefit of all the citizens of Garfield County".

Commissioner Jankovsky – I agree.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

**d. Public Meetings:**  
**i. Garfield County's Junior Achievement Programs request for funds - Sharon Brady**  
Attachment Junior Achievement

Sharon Brady and Bill Wright presented the Garfield County Junior Achievement Program and their request of funding for \$9,000.

Commissioner Samson - I would move that we approve the request from Garfield County's Junior Achievement Programs for funds of \$9,000 to come out of our discretionary funds and authorize the chair to sign.

**Discussion**

Drew Gorgey - I think it's Junior Achievement of the Roaring Fork Valley, is that the proper name.

Commissioner Samson - It doesn't say that on the request, but that's okay.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote

Mike Samson      Tom Jankovsky

**iv. Grant support letter for Cacaloco - Betsy Suerth**

**Attachment CacaLoco**

**Support Letter for Cocoloco - Jim Duke**

Jim Duke presented the request of a support letter for the Cacaloco Compost Operation in Rifle.

Commissioner Jankovsky - I would like to go ahead with this and I will move to approve this letter to the RREO grant committee with the inclusion of the trommel screen wording in there as presented.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

**Discussion**

Mr. Duke, you have a letter of support.

Commissioner Samson - While you are here, I have a question for you. When we met with the City of Rifle two weeks ago, we talked about one of the major things for recycling for the citizens who are outside of the municipality of Rifle.

**Farmers Market - Correction**

**Discussion**

Drew - Lisa, before we go into that item, I'd like to bring up, 4 3c the 2012 Farmer's Market request. There is a correction. Mary Meisner has stated that \$10,000 was in her budget this year. The motion needs to be remade to allow \$4,000 versus \$14,000.

Commissioner Jankovsky - I make a motion we approve an additional \$4,000 from discretionary funds for Farmers Market vouchers to be used by the Health Department.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

**ii. Finance department update: VISA Policy Update - Lisa Dawson**

**Attachment Visa Policy Update**

Lisa Dawson explained the Visa Policy Update as part of the goal of Finance.

The Commissioners discussed this and direction was given.

Chairman Martin - The policy stays in place; no changes the Visa Policy.

**v. Update of Electric Energy Utility Costs/Income: Riding Arena - Randy Withee**

Randy Withee gave the update and presented facts and figures.

## **5. County Attorney Update: Andrew Gorgey**

Drew - The printed agenda for today's meeting that appeared in the paper had an error, it referred to a lunch with the Consulting Firm for noon. I think that was from a prior agenda. I just wanted to make sure no one was expecting such a lunch today. On that note, the position closes in a week for the County Manager position.

## **LUNCH - Noon**

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

Joe Isner presented a Code Enforcement Complaint for Aspen Equestrian Estates.

## **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

- 1. County Attorney Update - Land Use Issues: Andrew Gorgey**
- 2. Public Hearings:**

Chairman Martin - I think everyone is here for Bedrock, is that correct. Please raise your hands. What we are going to do is passing around a sheet. We will take the two other public hearings before Bedrock. You may sign up if you wish to talk and then we will call you in the order.

- a. Consider a Limited Impact application for Material Handling and Water Tanks related to a project to store and inject produced water from oil & gas activities on North Parachute Ranch. The injection well is proposed on Well Pad M23 and the Water Tanks are proposed on Well Pad F26. Applicant is Encana Oil & Gas (USA), Inc. - Kathy Eastley**

Attachment Encana M23 Application

Attachment Encana M23 staff report

Attachment Encana M23 exhibits

Kathy Eastley, Carey Cagnon from Garfield County, Mike Markus from Olsson and Associates, Jason Erkman and Jeff Shaffer and Kevin McDowell CE for EnCana were present.

Carey Gagnon questioned Mike Marcus on the notification process and determined it was adequate and proper and the Commissioners could continue with the public hearing.

Chairman Martin – Do we hear any challenges? We'll accept this and put it into the record. He swore in the speakers.

Kathy submitted the following Exhibits A - L.

Chairman Martin admitted these exhibits in to the record.

Kathy Eastley submitted her staff report, gave a Power Point Presentation and a summary of the requested action.

Public comments:

Jeff Shaffer – In favor.  
Jason Erkman – In favor.  
Dan Johnson – Concerns with Storm Water Retention.

Commissioner Samson – I move we close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Samson – I move we approve the Limited Impact application for Material Handling and Water Tanks related to a project to store and inject produced water from oil & gas activities on North Parachute Ranch for Encana Oil & Gas (USA), Inc. and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**b. Consider a Major Impact Amendment to a Commercial Recreational Facility / Park known as the Glenwood Caverns Adventure Park. This facility is located north of the city of Glenwood Springs on Iron Mountain. Applicant is Steve Beckley for POW, Inc. - Kathy Eastley**

[attachment Glenwood Caverns Application](#)  
[attachment Glenwood Caverns Staff report](#)  
[attachment Glenwood Caverns exhibits](#)

Steve Beckley, Ron Liston with Land Partnerships, Dric Walters PE from Boundaries Unlimited were present.

Carey determined noticing requirements were adequate and proper and advised the Commissioners they were entitled to go forward.

Kathy Eastley submitted Exhibits A - P and Chairman Martin entered these into the record. Chairman Martin swore in the speakers.

Kathy Eastley gave her staff report and presentation as mentioned in the report.

Public comment

Mr. Murphy – In favor

Commissioner Samson – I would move we close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Mike Samson	UNA by roll call vote

**Discussion**

Commissioner Samson – Well, I would have to agree with Mr. Murphy, I think this is a good thing for Garfield County. I've talked to many people from places far away that



have enjoyed going to the Glenwood Caverns. They are bringing many people here, tourism, business etc. I don't think they are asking for anything that is unreasonable. I think things are in order and if there are no questions, I will continue to make a motion.

Commissioner Samson - I would move we approve a Major Impact Amendment to a Commercial Recreational Facility / Park known as the Glenwood Caverns Adventure Park with the planning commission conditions 1 - 12 and 13 would replace 12. We would delete the original 12 and make 13 the new 12.

### Discussion

Commissioner Jankovsky - I just want to add to Commissioner Samson's words, I think to allow the applicant to go through the Planning and Zoning director makes total sense. This is big government; a park up there has been approved. For the applicant to have to go back through a major impact review every time is just a waste of money and time. I think this is a good thing. I think it's important for your customers to allow transportation be it a van or bus just so on your peak days when you have an hour plus line you can give people the opportunity to get up the hill quicker. If it were up to me and not the BLM, I would have probably said you could put 40 vehicle trips in there not 30. Otherwise, those two items are the changes, everything else is pretty much status quo giving you more flexibility as a business owner. I think this is a good application and I support it.

Chairman Martin - I could muddy the waters by saying I don't think Transfer Trail is a BLM trail; it happens to be a county road and has been since 1885. I will not go there; it is a discussion for another day.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

c. Consider a Request for a Major Impact Review for a Land Use Change Permit for an Asphalt Batch Plant - Processing, and Related facilities located off of County Road 315, approximately 1/3 of a mile south of the Interstate 70 Mamm Creek Interchange and 1/3 of a mile east of the Garfield County Airport, generally situated 2.5 miles east of the City of Rifle. The Applicant is Bedrock Resources LLC, Charles Ellsworth , Manager - Glenn Hartmann This item was continued from February 6, 2012

Attachment Bedrock Resources Staff Report Supplemental

Charlie Ellsworth, Damian Ellsworth and David Smith for the applicant Bedrock Resources presented.

Chairman Martin notified those in attendance for today's proceedings, Roberts Rules of Orders would apply.

Glenn Hartmann submitted new Exhibits - DDD - UUU.

Chairman Martin entered these exhibits into the record and swore in the speakers who signed up to speak on this issue. He mentioned the Board had received several emails that would be submitted into the record.

David Smith - Gave his summary for the Applicant Bedrock. He stated it is not a batch plant, only a drum.

Charles Ellsworth - Gave his summary for the Applicant Bedrock.

Drew Gorgey - Asked questions of both counsels.

Mishca Popoff - Organic Inspector gave her report.

Commissioner Jankovsky asked questions for clarification on mineral rights.

Mary Russell – There is a split estate on surface use and minerals.

Scott Balcomb – Agreed, Eagle Springs does not own the mineral rights, these are severed mineral rights.

Arron Garrett – The impact study for solar in agricultural areas is not an impact.

The following testimony was given:

Jacob Richards - 6630 CR Rd 346, Silt - Against

Nancy Limbach - 5945 CR 346, Silt, Against

Gwen Garcelon - 4451 S. 2nd Street - Carbondale - Against

Scott Balcomb, Balcomb and Green, Attorney for the Applicant Eagle Springs owner

Ken Sack. Tim Thulson, Marissa Gray and Brian Reed from Balcomb and Green – All against the proposal.

Don Whillden - 1580 Chair Bar Road, Silt - Against

Mary Russell - 2917 Sopris Avenue, Glenwood - Against

Jennifer Varian - 1016 Minturn Avenue, Glenwood - Against

Matthew Rader - 5454 CR Rd 346, Silt - Against

Kent Jolly - 832 Canyon Creek Drive, New Castle - In favor

Dick Morgan - 293 CR Rd 313, New Castle - In favor

Aaron Garrett - 623 Canute Loop, New Castle - Against

Richard Voltaire - 151 Quint Lane, Carbondale - Against

Erin David - Against

Brain Reed - Two existing well pad are in the production area already.

Mischa Popoff - In favor

## **Discussion**

Chairman Martin - This has been a challenging day and this Board has heard arguments on both sides. The Applicant is under a time restraint but the Board was presented with extensive documents today and we need time to review. All Commissioners agreed to the request to postpone this decision until February 27, 2010 at 1:00 p.m. in a Special Meeting. The Board will deliberate in public and Chairman Martin cautioned each Commissioner that no contract with the public through conversations, email, etc was permitted.

Commissioner Samson – I need more time to review the material handed out today.

Drew Gorgey - Pursuant to Section 4.103-G (k), gives 15 days for a decision. The Board's decision must be based on evidence presented today and the Commissioners can ask for legal advice but no other communications.

A motion was made by Commissioner Samson – I would move we continue this until next Monday, February 27, 2012 at 1:00 p.m. and at that time; we will make our final decision.

Chairman Martin - That would be a continuance for deliberation purposes and a final decision, no other public information taken.

Commissioner Jankovsky - I have a decision made and of course, I said I had a decision made two weeks ago but out of respect to Commissioner Samson, if you need more time to go over some of this, I will second that motion.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

### **3. Public Meetings:**

#### **a. To consider appointments to the Board of Adjustment**

Fred Jarman presented the ones not selected for the Planning Commission in response to the Commissioners suggestion to contract them and see if they were interested in serving on the Board of Adjustment. Five are interested.

A motion was made by Commissioner Jankovsky - I would make a motion that we appoint Keith Lammy, Russell Talbott, Sean Mello, Larry Carlson and Rick Ullum to the Board of Adjustment.

Commissioner Samson - And there terms determined by the drawing of straws. The drawing of straws regarding the terms was held.

Keith Lammy - 1 year term; Russell Talbott - 1 year term; Sean Mello - 3 year term, Larry Carlson - 2 year term and Rick Ullum - 1 year.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### **COMMISSIONER ISSUES**

Chairman Martin reported, Linda Morcom is continuing the history project to identify the elected officials from 1883 to present and to prepare signs depicting the 150 photos placed in the County owned buildings telling the history of the photo. Linda Morcom is a temporary part time employee.

Drew Gorgey asked to identify the budget source these funds were to come out of paid to Linda Morcom.

Chairman Martin - This is to be paid with the Commissioner's Discretionary funds.

#### **a. Commissioner Reports**

Commissioner Samson - We have a meeting with RE2 School District on Wednesday, February 29 at 6:00 p.m. at the RE2 Administration building.

#### **b. Commissioner Calendars – None given**

#### **c. Approval of Minutes**

##### **i. December 5, 2011**

- ii. December 19, 2011
- d. Commissioner Agenda Items

## **ADJOURNMENT**

February 27, 2012  
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO

### **ROLL CALL**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

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

Greg Rippy addressed fire sprinkler system; he is opposed and gave the reasons.

## **REGULAR WORK SESSION:**

1. **Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**

- a. Approve Bills
- b. Authorize the Chairman to sign a resolution of approval and a Land Use Change Permit for Water Tanks on Well Pad F26 and Material Handling on Well Pad M23 related to disposal of produced water resulting from Encana's Oil & Gas activity on the North Parachute Ranch. Applicant is Encana Oil & Gas (USA) Inc. - Kathy Eastley

### **ATTACHMENT ENCANA**

- c. **Sales Tax memorandum of understanding 2012 - Georgia Chamberlain**

### **ATTACHMENT SALES TAX MOU**

A motion was made by Commissioner Samson - I would move we approve the consent agenda items a-c as submitted.

#### **MOTION**

Commissioner  
Mike Samson

#### **SECONDER**

Commissioner  
Tom Jankovsky

#### **VOTE**

UNA by roll call vote

2. **County Manager Update**

**a. Approval of a contract with Mike Shaw Chevrolet for the purchase of 10 County vehicles - Jamaica Watts**  
**ATTACHMENT MIKE SHAW VEHICLE PURCHASE**

Jamaica Watts presented the Motor Pool request for 10 vehicles for \$303,932.00 for the sheriff's office.

Commissioner Samson - I would move that we approve a contract with Mike Shaw Chevrolet in the amount of not to exceed \$303,932.00 for the procurement of 10 vehicles for the Sheriff's office and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**3. County Attorney Update: Andrew Gorgey**

**a. Public Hearing by the Board sitting as Local Licensing Authority for Medical Marijuana:**

**i. To determine operation of Green Essentials Medical LLC prior to County's moratorium - Carey Gagnon**

**ATTACHMENT GREEN ESSENTIALS MEDICAL**

Carey Cagnon - This is not a public hearing on a local application for off-premises marijuana operation. The Board has not adopted the licensing regulations. This did require posting on the property and Jean did that posting. Carey did the notification verification for Green Essentials purpose to allow evidence prior to moratorium and we find sufficient evidence and will communication to state that we will not object.

Chairman Martin swore in the applicant.

Lee Leavenworth Attorney and Vinnie Kojin, manager of GEM were present.

Lee explained the document he presented and other documents related to this established OPCS operated at 838 Grand Avenue. There was a need for Vinnie to relocate; he did so in unincorporated Garfield County with landlord Justin Sanford at 3892 Hwy 82 approximately at the Red Canyon road turn off. He moved prior to mid-June 2010.

Carey - Explained this was not an approval it was for the Board to give permission for the county attorney's office to communicate with the state that the county was not opposed.

A motion was made by Commissioner Jankovsky - I will make a motion that we close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

A motion was made by Commissioner Jankovsky - I would make a motion that Green Essentials Medical, their grow operation was in operation prior to the moratorium or actually at the date of the moratorium, because they signed that lease on that day and we will ask the County Attorney's office to send a letter to the State of Colorado that we are not opposed to the issuance to the State License.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**b. Request for approval of and authorization for the Chairman to sign the Intergovernmental Agreement and Lease with Colorado Mountain Junior College District regarding GarCo Sewing Works Program - (Gene Duran)**  
**ATTACHMENT CMC IGA RE GARCO SEWING**  
**ATTACHMENT CMC LEASE - HENRY BUILDING**

Gene Duran, Procurement Department, Drew Gorgey, County Attorney, Beth Shaw and Jill Zelman from Colorado Mountain College and Mary Baydarian Human Service Director were present.

Gene Duran submitted two documents, an IGA and a lease agreement. He explained the process started in December; Beth Shaw came before the Board requesting the Commission's support of purchase of sewing generally as capital for purposes of establishing a program. Beth went into detail back in December.

Beth Shaw filled in the details for a lease at the Henry Building in Rifle for the GARCO Sewing Works. This is education, training and we are working with the work force, TANF and the clients will learn skills in making fabric shopping bags.

Commissioner Jankovsky - I will make a motion that we approve and authorize the Chair to sign the IGA and Lease with CMC for the GARCO Sewing Works in the amount of \$47,114.

**Discussion**

Commissioner Samson - When do you want to get this up and running.

Beth - Tomorrow. However, we've been told that it may take up to 2-weeks to get the equipment but they are already ready to put it on the truck.

Commissioner Samson - So by the first of April for sure.

Beth Shaw - Absolutely.

Commissioner Samson - Since it's right there in Rifle, I will come by and check it out.

Beth - We will be planning an open house after a couple of weeks.

Chairman Martin - The IGA and the lease.

Drew - We are amending to include service animals accepted in 16a.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

## **Finance Item**

Drew - The Finance Department gave me and it's not related to the last item, in the 2012 budget that you approved various Interfund Transfers, you've already approved it and voted on it. This is an internal document, just the AP vouchers that support that because of the total amount is \$2.5 million. I prefer the Chair sign that, I do not see a need to agenize it or anything like that. You have already taken action and it's administrative.

## **LUNCH**

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

## **REGULAR AGENDA:**

**Recess until 1:00 p.m.**

### **1. County Treasurer Update - Georgia Chamberlain**

**a. [Treasurer Semi-Annual Report June - December 2011- Georgia Chamberlain, Treasurer & Public Trustee Annual Report for 2011- Bob Slade, Chief Deputy Public Trustee](#)**

**[ATTACHMENT 2011 TREASURER YEAR END REPORTS](#)**

Georgia Chamberlain, Treasurer & Public Trustee Annual Report and Bob Slade, Chief Deputy Public Trustee submitted the Annual Report for 2011. Georgia submitted the document to the Board and explained the document and the tax collections for 2011.

Commissioner Jankovsky - I would move that the BOCC direct Georgia to notify each school district of the funds being held by the Treasurer Georgia Chamberlain of \$19,541.40.

**MOTION**

Commissioner  
Tom Jankovsky

**SECONDER**

Commissioner  
Mike Samson

**VOTE**

UNA by roll call vote

### **2. Public Hearings:**

**a. [Consider a Request for a Major Impact Review for a Land Use Change Permit for an Asphalt Batch Plant - Processing, and Related facilities located off of County Road 315, approximately 1/3 of a mile south of the Interstate 70 Mamm Creek Interchange and 1/3 of a mile east of the Garfield County Airport, generally situated 2.5 miles east of the City of Rifle. The Applicant is Bedrock Resources LLC, Charles Ellsworth , Manager - Glenn Hartmann This item was continued from February 21, 2012](#)**

**[Attachment Bedrock Resources Staff ReportSupplemental](#)**

**Issue before the Board of County Commissioners**

Chairman Martin stated this was a continued public hearing. No further public testimony will be taken. There will be people happy and some not. That is the decision of this Board. He went over the rules of not conversing with anyone or reading emails, etc. Carey - A few housekeeping items. The exhibit list is now runs from A - LLLLL all offered and accepted into the record prior to the close of the public hearing. I want to make clear that this is not a rezoning request, this parcel is located in rural and in our Land Use Code, there are certain things you can put on this land pursuant to some review. So agricultural, use by right, others required some level of review. That may be a Limited Impact Review that goes before the Planning Commission and then to the Board of County Commissioners or like this application today, it is a Major Impact Review which means it went first to the Planning Commissioner and then to the Board. The land underneath will retain agricultural even if this is approved today. It is not a rezoning, it is a Land Use Change before you. Chairman Martin - Thank you for the clarification. The burden falls on this board.

### **Discussion**

Commissioner Samson - I would like to make some comments and then I will make a motion, I hope to get a second. This has been a real educational experience and I thank everyone for coming. I have received multiple emails, personal contacts and stated at the meeting on February 6 that I needed more time to review the materials. We cannot take any more testimony. We have the Planning Commission recommendation with conditions. We have closed the public hearing so no additional comments can be taken. At the first public hearing, I requested a continuance to review materials. At the continued public hearing, we were presented with a huge amount of material and I couldn't read it while we were hearing testimony, so I asked for a second continuance. For those who have called we cannot by law, take your call or you're your email. I want to thank Carey for her legal help drafting what I'm going to make a motion of things I want to go forward with. There are a couple of point that I want to bring out that I think are important for people to understand. One is that in the staff recommendations, conditions etc it's important for things to be put into motions so that people understand things. I'd like to read one for an example. That all representations made by the applicant in the application and at the public hearing at the Planning Commission and the Board of County Commissioners shall be conditions of approval unless specifically altered by the Board of County Commissioners.

The second one "the operation of this facility shall be in compliance to all applicable federal, state and local regulations governing the operation of this type of a facility. These conditions put in the motion are going to give us as a board the ability to revoke the approval if at any time; if the batch plant does affect the organic farm or now what is and isn't the effect that was one of the reasons we closed the public hearing because we could spent hours. We listening each party's experts. Obviously, they wouldn't say the same thing; they would probably be diametrically opposed in what they had to say. As the Chairman has pointed out, the three of us have to decide what we're doing. So if there is damage done and it goes forward with that then if we find there is sufficient evidence or you find there is sufficient evidence the batch plant will not likely adversarially affect this then I suppose we would go ahead and make our decision. But I want to remind the applicant with this regarding emissions to your decision that if that is



the case then the adjacent landowners will have the right to come to this Board as well as all state and federal regulations and the question will be open again. I want to say to the applicant I feel and what I've researched you have tried to work with the adjacent landowners; Eagle Springs I feel they have worked with you. With that said, I would request that you continue to do so, be a good neighbor, do the best that you can with them and I would ask Eagle Springs to do the same. Do I have all the answers? Do I know positively that there could be some harm done? I don't know, I'm not a topologist and I don't have decrees and all that stuff. I don't know for sure but with the remediation and condition that hopefully place on there by the Planning Commission as well as some others that I am going to recommend I think you could be compatible and if you continue to work with each other you will be compatible with each other. One of the reasons that I feel that way is because of what we see in the way of gas production within the county. Those gas wells that are already in the vicinity of Eagle Springs. I know some people don't want any gas production in Garfield County, I know some people who don't want asphalt batch plants or things of that nature within our county. But that's not being reasonable at all. The question belies us is that an appropriate place for it. Well, could there be better places, perhaps but I know there's a lot of factors that go into that. I hope that you have considered those factors as you've tried your best to do what you are going to do. So with that to make a long story short I would ask both parties to please co-exist if that's at all possible. The recommendations by your counsel, Scott Balcomb Firm, I want to make sure I have it in my mind here that it has been and the questions have been answered. Counsel if you would look at page 7 of the Balcomb communication February 17, Exhibit NNN, the heat source must be natural gas or propane, okay so that was never put in the original conditions was it, so we add that. The plant must install as double drum to avoid emissions. My understanding is they don't have a double drum but they have what is called a counter flow, which reduces the emissions. No. 3 - The plant must install a silo scrubber for the emission. It was testified 99.9% in the way of what they have in equipment is sufficient. I want the record to reflect that also. The one that seems to be the hold up here is No. 4; the plant must be constructed entirely within a closed building. And I guess that is not going to be able to be worked out. No. 5 - No pesticides to be used on applicant's property. Now correct me if I'm wrong Mr. Chairman, the buffer zone was to be 400 feet.

Chairman Martin - It is. The organic farm buffer is 30 feet and the organic farm has a responsibility to maintain and make that buffer, if that's what you're getting at. I believe that's from the organic rules.

Commissioner Samson - What I'm trying to say is instead of 400 we have 430.

Chairman Martin - Yes.

Commissioner Samson - Okay, the other thing requested and I believe the applicant has agreed to these, as well as other conditions are there would be no recycling of asphalt. Then the last one is one of my own, which I'll probably talk more at length. Well, it won't be a condition here but I think it's something that we need to do much akin to what we did with the Cerise property, installing county air quality equipment and we as a county take it upon ourselves not only for this batch plant but that is obviously a concern and a big thing but we would put up our own air monitoring so it would be a general type thing, and by general I mean we put in instrumentation and equipment such as at Cerise so that we can control that and we would be the one responsible for it.

Chairman Martin - For the monitoring...

Commissioner Jankovsky - That was one of the requirements to set up a baseline and to set up some type of testing regime...

Commissioner Samson - Was that for us that we would do that?

Chairman Martin - No, that was one of the requirements...

Commissioner Samson - But I want the county to be responsible for that and the cost and we will have the results of that readily handy, but that's a side note, that's not going to be a condition.

Chairman Martin - That would be for the air emissions office to set that up, that is also subject to appropriation and the ability to get it done in a timeframe, but again I don't think you can tie that to a requirement to this application.

Commissioner Samson - No, no that would be a separate thing for us to do but I wanted the audience to know that. So, I'll make a motion...

Commissioner Jankovsky - There's another thing to that and that was Condition no. 8, Scott Balcomb had requested that the haul route up to their plant be paved so I would want that in there as well for dust control.

Commissioner Samson - Haul route paved so you're saying from the county road up to the plant.

Commissioner Jankovsky - Yeah.

Commissioner Samson - So, with that being said, at this time Mr. Chair are you ready to take a motion.

Chairman Martin - Yes, I will take a motion.

Commissioner Samson - I would at this time move that we approve the Land Use Change Permit for an Asphalt Batch Plant, Processing, and Related facilities located off of County Road 315. Along with that, it would include all the conditions set forth by the planning and staff recommendations along with the heat source must be natural gas or propane; the plant will install counter flow to reduce emissions. And their equipment which they have, which I do not know what would be the name of that but produces the 99.9% efficiency would be continued and used. There would be no recycling of asphalt within that plant and the haul route from the county road to the batch plant be paved.

Commissioner Jankovsky - Did you put anything in there on testing, Mike?

Commissioner Samson - I have not mentioned that, I'm sorry. Are you talking about testing of air quality?

Commissioner Jankovsky - Baseline testing...

Chairman Martin - Is that part of your recommendation?

Commissioner Samson - I thought that was in the recommendations. Isn't that a recommendation from staff.

Chairman Martin - That a baseline be established at least for monitoring. According to Glenn that was not so you'll have to add that to your motion.

Carey - I do have some questions and clarifications, your motion I believe included the Planning Commission recommendations of approval, I would note at the end of the staff report there are some changes to the approval numbers 4, 6 and 7.

Commissioner Samson - Yes, I remember that now.

Carey - Does your motion include those recommendations by staff in lieu of the recommendations by the Planning Commission?

Commissioner Samson - Yes.

Carey - Second question on the conditions, if I remember correctly your motion included monitoring by the county to establish a baseline.

Commissioner Samson - I don't think we can put that in there, it will be a second motion that I will make later that we work with our Environmental Protection official Jim Rada to set that up and hopefully the other two commissioner will agree with me as to put up the proper equipment, materials and infrastructure for the monitoring.

Chairman Martin - Is that acceptable?

Commissioner Jankovsky – That's acceptable to me.

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	FAILED

Commissioner Jankovsky - I will make a motion that we deny the request from Bedrock Resources LLC and the reasons...

Commissioner Samson - Wait a minute.

Chairman Martin - Foundation.

Commissioner Jankovsky - Foundation for that is primarily that I don't think this application is compatible with the adjacent land use, also Section 7-02-01 Protection of Agricultural Land no adverse affect on agricultural operations.

Chairman Martin - That's understood Mr. Samson.

Commissioner Samson - It is, it puts me in a tough place as I've tried to get people to work together so I don't know if I should vote for it or not. Chairman Martin - You'll have to follow your conscience. Actually, I'd like to compliment you on the work that you did. I know that you were seeking a compromise, I think that you were nearly there; I think that it just falls down on the interpretation of the "Right to Farm", at least with me because I was one of the authors of that particular document. I had to hold true to that simply because that's part of my foundation and beliefs. I thought that Charlie has a great application. I thought that it is possible, there was compatibility and working relationships, I said, I wish to err on the side of caution but you know we're going to have to face it more and more the occupations that may be diametrically opposed in people's eye. We have to live side by side simply because of the fact they're not making land anymore except out in Hawaii where the volcanoes are going and no body's inhabiting those. But we're going to have to find that, and that was one of the reasons since we also put together rules, regulations and a committee to come up with something that will work. I don't think that we want to give mixed messages to businesses; I don't think that we did today. I want to make sure we encourage businesses. I was not trying to pit one business against another, but was it compatible for those to exist side by side. Again, they did everything they could, it is again our interpretations or at least mine in reference to that last subject that I could not get over the hump. I applaud you and thank you very much openly trying to do that and coming up with the conditions that could be put in place and make it even more compatible than it is right now. So please don't feel bad, we did not try to take sides and pit one against the other, it was about rules, regulations and the evidence that was presented and how we interpreted those and our beliefs. Thank you very much.

Commissioner Samson - I accept that and just as I say, I feel like I wasted a lot of time in just trying to get something to come together but it didn't work so well go forward with that and I really have to weigh in my mind here quickly whether I want to back track totally now, I don't know. I've got a real...

Chairman Martin - I don't think you're back tracking, what it amounts to is we are learning as we go through just as society is, something's work and something's don't. We attempt, but if we take the attitude that we are going to give up and not try anymore when we have this kind of situation and come up with conditions to make it compatible then we're not doing ourselves a justice. I think you did a fantastic job and justice to this board by trying to come up with those situations and conditions of approval. The P&Z gave it the same thing; they were trying to make everything work. Again, it falls on this board to make the final decision. You just didn't happen to be in the majority at this time, but please do not feel bad, in fact feel proud that you attempted to do such.

Commissioner Samson - I don't feel bad but I've lost votes before that's not the point. I just wish that people could have learned to work together for the common good of Garfield County, but that wasn't the case today. So I will call for the question.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Chairman Martin - The vote is unanimous. Again the chemistry and the understanding in relationships with this board is very important even though we have differences of interpretations or outcome, we still work together as a board and we discuss things openly and honestly. Again, it's not favoritism toward anything other than the interpretation of the rules and relations and how it was presented. Thank you very much; I'm proud of all of you.

### **COMMISSIONER ISSUES**

#### **3. Direction to staff regarding remote meetings, joint meetings and town hall meetings - Jena Thompson**

##### **d. Commissioner Agenda Items**

Chairman Martin - Jena is not here today, it is up to you Drew.

Drew - What I'd like to do is represent this schedule when it is finalized; she's been working very hard to identify the last two joint meetings, town hall dates and those would be in August in Battlement Mesa serving Parachute/Battlement Mesa and the western part of the county; in November, Glenwood Springs and Carbondale. Chairman Martin - Jena will present that schedule as it's completed Tom.

Drew - We'll do that when it's finalized rather than piece meal. The meeting on March 13 scheduled for 6:00 p.m. at the New Castle Community Center followed by the Town Hall meeting from 7:00 p.m. to 8:30 p.m., we did follow through with your request to publish that on the website, and we will make sure that is published in the paper as well. If you want, the full agenda was a question we had, do you want the full agenda published or just the date, time and place for the joint meeting with New Castle and the Town Hall.

Commissioner Samson - I think the full agenda.

Chairman Martin - It should be there so the subject can be looked and the citizens can appear if they need to.

**a. Commissioner Reports**

**b. Commissioner Calendars**

Drew - This coming Wednesday, I don't know if you're moving in to the calendar portion by the School Board meeting is a public meeting of this Board. Is that correct?

Commissioner Samson - That is correct. I set that up for the LOC and called the Learning Opportunity Center but its better known as the Administration Building. I think it is 839 Whiteriver in Rifle at 6:00 p.m. I've also invited Tom Baker and Mike Auburn to present because the first item if I remember if the Natural Gas Vehicles for their vehicles. That's one of the main things I want to talk about so they will attend also.

Drew - My office will check with the Clerk and Recorder's office to make sure that the street address is correct and that it's identified appropriate as a public meeting.

Chairman Martin - One other question on calendars, 2:00 p.m. tomorrow is still the Elected Officials meeting to sit down with everyone.

Drew - It's in the Treasurer's Conference Room.

Chairman Martin - That's all if have. Tom and I will be leaving on the 2nd returning on the 8th. Mr. Samson is in total charge.

Drew - You leave on the 1st and you return here on the 8th.

Chairman Martin - We leave on the 2nd and return on the 8th.

Commissioner Jankovsky - A couple of things to add, I'm going to be going to the Sonoran Institutes training tonight. I start that at the CU center, it's actually the State Demographer is going to be there and present information on growth in the region and vice versa and the decline of growth, whichever. Then I'm going to the Safety Committee meeting 8:30 a.m. tomorrow in the BOCC room; I'm speaking to the Carbondale Rotary Wednesday morning 8:00 a.m. I'm on a phone conference for Club 20 to talk about BLM oil shale and in fact I need to get with Kirby, I think he was in a meeting last week on that. I will not be able to go to the EAB meeting Thursday just because we are out so early in the morning.

Commissioner Samson - I will cover that for you, I'll be there.

Commissioner Jankovsky - The other thing is that I saw and that's when we get back, but I did see that there is a Safety meeting for Road and Bridge on the 9<sup>th</sup>. That's their annual safety meeting and when they give out their awards. We will be getting back late on Thursday but I plan to be there for that meeting in Rifle.

Commissioner Samson - I will be there at noon. The other thing to add is Thursday; the 1st is the Northwest Oil and Gas Forum at 10:00 a.m. if any of you wish to attend that at CMC in Rifle. Tuesday the 6th of March I will be attending the, first of, all they moved it up so I could attend it, the Fire meeting, I'll be going to that in New Castle. Drew will be with me, correct. If I have to pull out of there before they're done Drew will stay because at 7:00 p.m. I'm appearing before the New Castle City Council to talk about AGNC.

Chairman Martin - One question on March 15, is Vernal still in or has it been postponed.

Commissioner Jankovsky - March 27, 10:00 a.m. to 2:00 p.m. I do need to talk to Mike McKee and get invitations sent out to the other counties. I've talked to him some but I

don't what kind of representation we will have from Northwest Colorado; at NACO, I will talk to some of the Commissioners there as well.

Chairman Martin - I'll mention it also to the Public Lands on the 16th of March at CCI. I can send that to Andy at CCI so they will have a heads up.

Drew – It's shaping up to be a very large agenda for March 12, just giving you an advance warning. It's offsite and starts at 9:00 a.m. and that is the rolling agenda so that means that we will begin at 9:00 a.m. and work until the business is completed and you will set your lunch break whenever you want it, whatever makes sense if you want one. I covered the meeting with you, there is a communication from BLM and it references today as a deadline to respond to an EA review and we believe we know what this is but I just wanted you to know we believe we have fully responded on it to all EA's and cooperating agencies, coordinating agencies involvements that we have, no one seems to know precisely what this one is. I want to make sure we're covered and I would want your direction to at least to the extent we are not involved if this is something we're not involved with I want to send a letter to BLM before 5:00 p.m. requesting additional time to respond until we figure out what it is. I'm sorry to be so abstract.

Commissioner Samson - Is it oil shale.

Drew - Pipeline.

Commissioner Jankovsky - I don't know which pipeline.

Chairman Martin - In reference to augmentation plans, etc for future development.

Commissioner Samson - I'm wondering if it's... have you guys gotten a call from the guy. Some guy wants to talk to me about it, I called him back and I said call me back and we'll set something up.

Drew - If we need to ask for more time, do I have your okay to send such a letter if we are in fact involved with this.

Commissioners agreed it was okay.

Drew - There is an open records request from Mr. Ken Call and I received a response letter back from the Department of Local Affairs, which I believe disposes of the subject of his request and simply reminded him that Garfield County under Question 1B, 1984 is not subject to certain provisions of TABOR. I think that took care of his concern.

Chairman Martin - That was one of the issues in regard to the fund balance, etc.

Drew - Yes.

### **c. Approval of Minutes**

## **ADJOURNMENT**

### **March 12, 2012 Garfield County Board of County Commissioners Sheriff's Annex – Remote Meeting**

**ROLL CALL** – Chairman Martin, Commissioner Samson and Commissioner Jankovsky were present.

### **PLEDGE OF ALLEGIANCE**

**INVOCATION** – Moment of Silence.

- County Sheriff Update

**a. Crime Statistics – Lou Vallario**

Lou had a few things not on the agenda. The Garfield County Sheriff's office in relationship with the commissioners has been phenomenal and he and his staff are very grateful. He put together a picture for the commissioners and all the staff signed. Lou read the plaque and presented it to the commissioners. He wanted to give a budget report and passed out information. He wanted to let them know because of their budget management they will be returning over 3 million dollars of unspent funds from the 2011 budget. He didn't want anyone to misunderstand how that works. He has to budget for unanticipated things that may come up. His budget is unpredictable, as they never know what is going to happen. He gave examples of maybe wild fires happening, major cases that cost a lot of money and he has staffing openings. Since 2008 they have actually returned unspent funds of 8 ½ million dollars.

Chairman Martin – They worked line by line with the sheriff and even though he had more scrutiny this year; he still came through and they are proud of him.

Lou didn't mind the scrutiny; it's always good to have another set of eyes. It's just hard to anticipate some things. He discussed the jail and how they don't know what their capacity will be in the future. He appreciates the way they work budget process. Lou passed out information concerning statistics. The commissioners had asked him to put crime statistics together and do some kind of comparison over the last 3 years. He has some caveats that go along with that. First thing is he hates statistics because you can manipulate statistics. There can also be too many variables. When talking about crime statistics, criminal statutes change year after year. So they are recording a crime that may have been eliminated or changed into a different category. There is changing case law that affects how they report crimes and there are different reporting requirements. He talked about different reports and how they all worked. They all report the most serious ones and others go unreported. He feels it is difficult to come up consistent information. He broke down his reporting and gave statistics for each one.

Commissioner Jankovsky – The increase in ticket numbers between 2010 and 2011; it looks like about a 15% increase. Is that because there are- more deputies on the road?

Lou – He thinks both more deputies on the road and less response to criminal calls.

Chairman Martin – On the frontage road across from Buffalo Valley there are many vehicles parked with for sale signs. Some of the property owners are complaining. Lou can look at it. There is state statute that prohibits parking vehicles on public right-of-ways.

- **Consent Agenda**

- a. Approve Bills'
- b. Wire Transfer
- c. Changes to prior Warrant List
- d. Liquor License renewal for Battlement Mesa Management Co.
- e. Liquor License renewal for No Name Grill, Inc.
- f. Liquor license renewal for Aspen glen Club
- g. Liquor license renewal for Kum & Go, LC

- h. Authorize the Chair to sign the land Use change Permit for Howdy and Diann Robertson (SUAA 7009) for Fabrication – Cabinet Making, Woodworking, Metalworking, Glazing, Machining – Molly Orkild-Larson
- i. Consideration of Settlement offer in BOCC v. Salazar, et. Al. litigation, Garfield County district court cast 11 CV 270 – Cassie Coleman & Gale Carmoney
- j. Authorize the Chairman to sign an exemption plat for the Lloyd Subdivision Exemption which was approved through an administrative process – Applicant; Fiona Lloyd and David Pegg – Kathy Eastley
- k. Authorize the chairman to sign a resolution and land use change permit for an amendment to existing approvals for the Glenwood Caverns Adventure Park – Applicant; POW, Inc. – Kathy Eastley
- l. Authorize the Chairman to sign a resolution of denial for a request for a major impact review for a land use change permit for an asphalt batch plant – Processing and related facilities located off of County Road 315, approximately 1/3 of a mile south of Interstate 70 Mamm Creek Interchange and 1/3 of a mile east of the Garfield County Airport, generally situated 12.5 miles east of the City of Rifle – Applicant; Bedrock Resources LLC, Charles Ellsworth, Manager – Glenn Hartmann
- m. Approval of and authorization for the chairman to sign an agreement with ECONorthwest – Gene Duran
- n. Resolution concerned with the adoption of the 2012 Garfield County Regional Airport Rules and Regulations and 2012 Garfield County Regional Airport Minimum Standards for aeronautical activities and repealing resolution numbers 2000-021 and 2007-055

Jean had a question about item "m"; is it supposed to be on the consent agenda?

Chairman Martin – It is just approval and authorization for the Chair to sign.

Gene – Yes, on February 13th, three staff members came before the board to request that it be approved and this agreement confirms what the board approved.

ECONorthwest will be here tomorrow for the work session and all the documents will be signed at that time.

Chairman Martin - Motion to approve?

Commissioner Samson – So moved.

Commissioner Jankovsky – Second.

All in Favor: Samson – aye Martin – aye Jankovsky - aye

## **County Manager Update**

### **Public Meetings:**

- **South Canyon Trail, Phase 3: Funding and Maintenance – Larry Dragon & Jeff Nelson**

Chairman Martin – This was by his request to see if they could make a final decision.

Larry is here to talk about the final pieces for the third phase. This phase is by far the most ambitious they have done so far. It will actually allow them to have a trail that actually does something. There are some issues; the funding piece and their application to leverage funding that the county has committed along with the City of Glenwood, a grant from Federal Transportation and a commitment from the Town of New Castle. The application is due this week for Colorado Great Outdoors. In the past, they requested and put together for a funding for about a \$3.8 million dollar project and



they requested certain funds from the county's spread over a 4-year period. Carry over monies from phase 2 in 2011 along with conservation trust funds 2011 and another \$250,000.00 for 2012. Their request for funding today is a chance to get everything done, lock up the and further enhance their application to GOCO and have all of the county money in 2012 now. The amount is greater; after initial cost estimates they came in higher. The request now is \$1,000,030.00 now and they would not be coming back in 2013/14. The second request, one of the requirements of the leverage funds and getting grants is that the county needs to be responsible for the ongoing maintenance of the trail. He knows that is an issue and there are costs involved. There is basic maintenance, which is relatively inexpensive; sweeping of the trail, weed control that can be done on an ongoing basis. In the past, there was an agreement for phase one between the county and the City of Glenwood Springs and the city would provide those basic annual services. He doesn't know if anything was ever done, if there was an agreement. Perhaps the city might be willing to do this for the entire phase one through three. He was not able to get that accomplished by today.

Chairman Martin – There was an agreement with the Federal Highways Commission that the county would be responsible. There is a timeline in reference to building and how they could enter and go off I-70 and to complete the work at certain times. The other issue is to help the City of Glenwood Springs because they wish to develop their area, which is in South Canyon. They have had positives and negatives about this trail but he thinks they have the ability to get it done. He would like to commit to it have the other two commissioners ask questions and then make a decision.

Larry – They have been at this specific section of trail for at least 8 years and this is finally an opportunity to get it done; it is clearly something that will be used. They expect large numbers of people to be using the trail because it connects not only to the city's holdings but also the BLM recreational facility and he has been meeting with them. They are very excited to see their facility used.

Commissioner Samson; to Jeff, according to contract they have the county is responsible for the maintenance of the exiting trail in South Canyon phase one and two. What is the agreement with the city? According to the memo, it says the county is already contractually responsible for the maintenance of the existing trail segments in South Canyon phases one and two. It says in the earlier paragraph for phase one the county contracted with the City of Glenwood Springs to provide basic maintenance primarily sweeping. But we the county maintain the entire trail; phase one?

Jeff – Partially phase one, its' geography. The city has annexed over Mitchell Creek where the West Glenwood sewer plant is. The city's annex just past the bridge and from that point west is Garfield County. Obviously they didn't want contractually agree to maintain a trail in Garfield County and not annexed to the city.

Commissioner Samson – What kind of cost are they looking at.

Jeff – It would be a minimal cost annually. Their largest cost if someone would hit a guardrail and tore out fencing, both railing and fencing that would be generally their largest cost. Their typical cost will be sweeping gravel off and amending railing as it may come loose with winter conditions.

Commissioner Samson – And the deterioration of the trail; 10 years from now it needs to be replaced, what's the life expectancy?

Jeff – The good part about this trail is when they entered into a local agency contract with CDOT and put it in a Federal right-of-way; everything they have engineered is 20 years for structural section or wall design. General maintenance would be asphalt; they would go out there and crack seal, make sure there isn't anything there that is a safety hazard.

Commissioner Samson – How many miles is phase one, phase two, phase three?

Larry – Phase one is 650 feet, phase two is approximately 2,000 feet; it's about ½ mile total of trail between phases one and not continuous phase two and three will be 1.8 miles making the whole trail 2.3 miles in length.

Commissioner Samson – You are requesting \$1 million 30 thousand to finish up phase three?

Larry – Added to the already \$825,000.00 currently committed. Now they are asking for \$1 million 30 thousand now and nothing in 2013/14.

Chairman Martin – They want to make this a final request for that section.

Commissioner Jankovsky – Trails are very important for Glenwood Springs. \$4.4 million for 1.85 miles, he has a contract out for a bridge, blasting a cliff away for \$2.5 million and this is \$4.4 million for 1.85 miles of a trail. The citizens of this county are going; what are you guys doing. Literally! We have trails to nowhere. He is having a hard time with \$4.4 million although \$1.4 million of it is from the county; he really has a tough time with this request. However, he also has a tough time with not approving it because otherwise they do have two ends of trail, which goes nowhere, which we have millions of dollars in already. We don't have a park and recreation department, no trails department, we have no intention of doing that in the future and he is torn on if he will vote yes or no on this. If he does vote yes, there will be no more, from this commissioner, funding for trails. They are not in that business.

Chairman Martin stated that Tom brings up a couple of good points. Referencing the RFTA trail, they contributed immensely to that one. Garfield County started the whole process with a grant; however, the maintenance of that and the cost has shifted to RFTA. They also did the Crystal trail and that has shifted to Pitkin County land and open trails. The trail that runs through Glenwood Canyon; that is a CDOT issue. Glenwood Springs has also stepped up and wants to make some improvements, annex some property, and donate some property. Their master plan is to get to South Canyon. Yes, it can be controversial, it's in the Federal highway, and it has a temporary license. They are going to widen to six lanes and they have to get rid of the trail; it was all understood. There is a possibility of it going away and those are concerns they had in the past. He felt at the very beginning that it wouldn't work.

Commissioner Jankovsky asked Jeff to explain why this is so expensive for such a short amount of trail.

Jeff – The expenses are 30% higher for every project they do within CDOT right-of-way or local agency. He heard him reference it to 4 mile for instance; if you put this in CDOT right-of-way you would be looking at 30-50% higher instantly. This particular project, the trail has a steep embankment so the wall price shoots it through the roof. The wall has to be built per CDOT and Federal highway design guidelines and that pushes that price up.

Larry – The walls account for almost \$3 million dollars of the cost. If there were no walls there would be a \$3 million dollar savings right there. This is in a narrow steep area;

other sections all the way to the Mesa County line will be built on flat surfaces without walls. This is the bottleneck, South Canyon. This is a project, significant money being brought into the county and he knows it is a big commitment on the county's part. It will create jobs immediately, many local jobs and there is evidence that these trails are improving the economy. Not only getting people back to work now but also improving the economy. The letters of support they have on this grant include bike shops and other tourist's activities, the chamber of commerce and people anxious to see this trail done. He understands there are concerns and hates coming to ask for money.

Commissioner Jankovsky – Bring this out of the reserve account?

Chairman Martin – Capital improvement.

Commissioner Samson – What is the balance in capital improvements?

Ann Diggers – Approximately 20 million in 2011.

Commissioner Jankovsky – This section is expensive; but to get from South Canyon to Canyon Creek will be equally as expensive.

Chairman Martin – There is a different design they are talking about.

Commissioner Samson – Where is furthest eastern part of the trail?

Larry – Right at Mitchell Creek. The City of Glenwood back in 2005 or 2006 completed a brand new bridge over Mitchell Creek, which connects to the very beginning of South Canyon trail, which is on an easement donated by West Glenwood Sanitation District.

Commission Jankovsky – From the county this would be it; an additional \$630,000.00 out of capital funds and we will have \$1.5 million dollars invested into a \$4.4 million dollar, with the construction that's this section of it. How much has already been put into the other two?

Larry – The total costs were about \$1.5 million dollars total not including the design costs and the engineering costs. With that, they had \$350,000.00 in grants from the State Parks Department, \$450,000.00 came from other transportation enhancement grants and the City of Glenwood gave another 3 or \$400,000.00. It was about \$600,000.00 from the county. Clearly, the county has been a major contributor.

Chairman Martin – In reference to the monies the county has paid; a lot of it came from the Conservation Trust Funds which are the lottery dollars we have to use on outdoor recreation. It is not the ad valorem tax collected. They will recover those costs and then you will have a recovery cost from the Conservation Trust Fund to use for different purposes. Such as the arena, it was used on the fairgrounds and they could give it to soil conservation folks for just about anything. There is a recovery in the next two years.

Larry – These are the numbers that came in from the engineers, but they are hopeful that the numbers will actually be less, as has been the case with other projects such as the west Parachute interchange.

Jeff – Current market conditions are competitive bidding right now and that was the goal in speaking with John to get it done now.

Commissioner Jankovsky – If they make this commitment there is a \$1.5 million dollar GOCO grant; when will they know if that grant is available?

Larry – It's due this week and they won't make their final decisions until mid June, so it's a three-month waiting period. In that time as they know there is a site visit that they are planning to attend and he and Jeff have to go to Denver three days prior to that and present to their entire board. But they won't have a decision until June.

Commissioner Jankovsky – This is a 2013 construction.

Larry – That is their hope and they are beginning the process with CDOT so they don't hold them up to get this out to bid this fall. Jeff has a meeting this week along with the attorney's office and CDOT. They are hoping to get it out to bid in the fall, which is an ideal time to bid and have construction start as soon as the snow allows, or the weather allows in the spring.

Drew – What is the specific day of the deadline with GOCO this week?

Larry – It's Friday the 16<sup>th</sup> and his deadline is this afternoon.

Drew – Does he have any evidence of the commitment of the \$600,000.00 from the City of Glenwood Springs like the one he is asking from the county?

Larry – It's solid; they have \$200,000.00 already committed this year in their budget. They do a two-year budgeting process. He approached the city about perhaps needing to up it some and they said they couldn't do it in 2012 but they could in 13/14 probably if they needed it. There is no guarantee; it is up for annual appropriation.

Drew – His question is; are you asking the City of Glenwood Springs to do the same thing he is asking the commissioners to do which is accelerate their future commitments to this year to leverage those funds to get a GOCO grant?

Larry – No they can't, the city doesn't have it this year. They look better for 2013/14. He thinks what Drew might be getting at is there's a possibility that all of the funds have to be spent before they have some of it in hand from the city.

Drew – Somewhat; he guesses what he is saying is the way the funding request is presented; it is presented as a team funding plan. With GOCO giving a substantial amount, Garfield County giving a substantial amount, the City of Glenwood giving some and CDOT is giving some, between the two of them a million and some contribution from the Town of New Castle. If someone backs out, he guesses the responsibility the commissioners have is to make sure whatever funding commitment they give to Larry today to use to leverage to get more money is not an irreversible commitment in case, for example, you don't get \$1.5 million from GOCO.

Larry – If they don't get \$1.5 million from GOCO they don't have a project. Nothing will be spent until sometime in 2013 well after they knew if they got that money and by then they will know if they got the next \$200,000.00 from the City of Glenwood, which he anticipates they will get.

Drew – So it's fair to say the funding commitment he is asking for is contingent on getting the \$1.5 million from GOCO.

Larry – Yes.

Chairman Martin – We've always done that and he actually understood that. They should have made that clear.

Drew – He knows it is a multiyear project and one they have been working on off and on in phases for 8 years and he guesses it is a question to Jeff. In terms of right-of-way acquisition or any legal impediments to construction could he tell them how that has been reviewed in the past and what sort of right-of-way problems, if any, they have in their opinion for this phase?

Jeff – Right now, they don't foresee any. They are completely within CDOT Federal Highway right-of-way. They have been working with BLM because they are going through a BLM portion in this phase two only. They are working with them to get what they call an easement right-of-way. Is it complete yet?

Larry – It is not complete yet. When he met with the field manager and assistant field manager last week and talked about the whole process. They said there is absolutely nothing to hold this up, just a matter of timing. They were a bit embarrassed they were sitting on this for two years. The person that was sitting on it is gone and it should be done, they are saying in the grant by June.

Jeff said they are going through the process and are 98% through.

Drew – CDOT and Federal Highway hold the right-of-ways; is all of the land under completed project in un-incorporated Garfield County or is some of this in municipalities or anyone else?

Jeff – This is completely within Garfield County on phase three.

Drew – And the other two phases?

Jeff – Phase 1 was the question he answered to Mike earlier. The reason, talk about the bridge; the reason being they didn't want to be maintaining their bridge so they put the line right at their city limits and the end of the bridge. Phase 2 and 3 are completely Garfield County.

Commissioner Jankovsky – The CDOT money, \$442,000.00; that is firm?

Larry – That is firm; it is totally committed. Some of it was initially spread out over 2013/14 but that has been changed and now all of it is committed in fiscal year 2012, 100%.

**MOTION:**

Commissioner Jankovsky – I'll make a motion that we allocate an additional \$630,000.00 towards the LoVa trail phase three and that the \$630,000.00 is contingent upon \$1.5 million dollars from GOCO, \$600,000.00 from the City of Glenwood Springs, CDOT \$442,000.00 and \$3,000.00 from the Town of New Castle as partners in this project.

Commissioner Samson – Second.

Larry – I think the amount was wrong. The request is actually for this year an additional \$1,000,030.00.

Commissioner Jankovsky – We approved \$440,000.00.

Larry – More than that, you've actually already approved \$825,000.00.

Commissioner Jankovsky – There's \$440,000.00 for 13 and \$190,000.00 for 14 so where is the additional?

Larry – That's when our estimate was \$4 million; now it's \$4.4 so and maybe that was unclear there I apologize. The total amount that is needed, the engineers estimates are \$4, 400,000.00. \$630 plus another 400 to cover that difference. That's why its \$1,000,030.00 and 630 was already going to be conception ally approved in 2013/14. So it's an additional \$400,000.00 added to that 630 all now.

Chairman Martin – And relieving that for 13 and 14.

Larry – We're eliminating that.

Chairman Martin – That's what I'm saying; so actually its \$1,000,030.00.

Commissioner Jankovsky – And Jeff you did the estimates on this so this is going to be a bid through Garfield County so if the estimates come in less than that the saving would then come back to the county; would that be correct?

Jeff – Correct.

Commissioner Samson – You mean CDOT won't be the last one in the first one out?

Jeff – Not in this case we have them completely committed on this.

Larry – One other comment; phases one and two, both of those construction projects came in under budget and the money did come back. That's why there's actually a \$210,000.00 carry over from phase two. It's already in the account for this now.

Chairman Martin – The request is to amend your motion to a total amount of \$1,000,030.00.

Commissioner Jankovsky – And I'll make that motion and I would like to add that any carry over funds from this phase three go back to the general fund.

Commissioner Samson – To the general fund; did you specify that the funds came out of capital project reserves?

Commissioner Jankovsky – That's where I would want the funds to come from yes.

Commissioner Samson – And you want to specify that if there's a surplus...

Commissioner Jankovsky – Yes, that it goes back to the capital fund and not be held as a carry over for future trails.

Drew – With authority for the chair to sign once this is finalized from draft.

Commissioner Samson – Second.

All in Favor: Samson – aye Martin – aye Jankovsky - aye

Larry – We have two requirements for the grant, not financial this is essentially signatures on the grant application itself. Second, they have to have either a resolution or a letter from the county outlining those commitments the county is making. He sent a draft to Jena Thompson and she is aware of it. He would love to get that done and signed today. He has a 4:00 p.m. meeting in the commissioners chambers to put the grant together.

Drew would like to review that and asked him to give it to Tari Williams.

- **5 Point Film Festival – Justin Clifton**

Drew – This is a grant request.

Justin – He wanted to talk today about the marketing relationship they have with Garfield County and they have discussed with the county's economic development staff previous starting directly after their festival last year. The 5-Point Film Festival is uniquely positioned within the outdoor industry. One of the county's stated economic development goals will track the outdoor industry to Garfield County. They have more than 50 years of experience within the outdoor industry and relationships therein. For the past year, they have worked closely with Garfield County's economic development staff to make connections, direct connections to industry leaders within the outdoor industry. These are outlined in the document he gave them; but specifically on page four outlining a few of the companies that they put Bill Hancock and Lisa Dawson directly in contact with at the outdoor retailers show is kind of the big industry event. We're all the industry comes together, buyers from all over the world come together to make their purchases for organizations like them. They connect to Garfield County through those relationships. These companies here; Patagonia who is their title sponsor one of the companies that they made connections to Black Diamond, Offspray, Cliff Bar among many others. As they will see on the front page their original request for this partnership was \$40,000.00, the budget was actually approved at \$30,000.00 and they in good faith moved forward on their marketing agreements and relationships along those lines. Today he is coming to them to request approval of that \$30,000.00 line item. They are now two months out from the film festival itself. He wanted to point out that one of the things they have been working on is bringing industry leaders to

Carbondale for the 5 Point Film Festival. Currently on the docket, they have Peter Metcalf from Black Diamond Equipment and he is the CEO. The owner of Patagonia will be there with his wife. He named others who were coming. Beyond that have explores from around the world that are descending on Carbondale at the end of April. John Turk who went on a polar expedition will be there to share his experiences. They are attracting people from all over the state for four days.

Commissioner Samson asked him to comment a little more on their dream project; you say you have invited six high schools.

Justin – The dream project is actually kind of a granting opportunity. They work with two local partners, Timbers Resorts and Obeymeyer Asset Management to underwrite this granting opportunity for high school students to get out and achieve their dreams. They see this as an opportunity to give kids that value additive of saying why don't you take the time to really write down your dream and think it through. Give us a clear idea of how you are going to achieve your dream and you have this opportunity to receive a grant from us. Last year they sent three students out on their dream project and those projects ranged from one student who had traveled to Uganda and had noticed that there were many damn projects. His dream was to actually go to Uganda and Kayak some of these rivers before they were damned up and he was one of the recipients and successfully went on his trip. While he was there, he worked in malaria camps, distributed nuts and other things. Another project they funded was this young man in Carbondale; his name is Drew Barry. He took his money to turn many other kids in his high school onto the mountains and skiing. This past winter he sent upwards of 40 students out on hut trips and connecting kids to their environment. He really showed them the diversity in our part of the country. Last year they were only able to send three students. This year they are going to award five grants to students; those grants are available to students from Rifle to Aspen. They have presented to each of the high schools in Garfield County and have received the majority of the applications at this point. This week they will be reviewing those applications and starting the process of awarding those grants. They received 12 applications from Rifle High School this year; they saw zero applications from Rifle last year.

Commissioner Samson – Is all the money from private sources?

Justin – It is all from private sources. It is completely funded by Timbers Resorts and Obeymeyer. The total budget is \$9,000.00 and the majority of that budget actually goes specifically to the students with a small percentage of that going to administrative costs.

Commissioner Jankovsky – We have budgeted this money under economic development; but first if they could in the future include Grand River High School which is in Parachute. We would have all the high schools in Garfield County, rather Grand Valley. This is in the budget and they are relying on that money for their program. He did want to go back to the fact that maybe this isn't so much economic development; this is more of a sponsorship on the county's part or a grant. He would like to go back to their previous discussions on grants and maybe they need to take some of their grant funds and set-up a certain dollar amount for things such as this. He has already received a phone call, an e-mail from Summer Music for Glenwood Springs on a sponsorship. He would like to see the commissioners pursue that. Not entire grant money they have for special events and sponsorships such as this festival. This helps celebrate our diversity as a county, Carbondale and they are doing things in Rifle such

as the air show and the fair. This is a good for commitment for the community of Carbondale.

Drew – Is the film festival itself a non-profit corporation?

Justin – it is.

Drew – What is the total budget for the high school program; what's the total budget for the festival?

Justin – Just over \$200,000.00.

Drew – How many years has the festival been operating?

Justin – This will be their fifth festival.

Drew – What are the attendance figures per day or for the whole festival?

Justin – It's about 3,500 people total they seat in the theater throughout the weekend. They actually take the Carbondale's community center, the recreation center and they turn that into a 750-seat theater venue. Their Thursday and Friday night programs are pretty well sold out each year. They have some daytime programs, a family program. Kids are free and they are charging the parents to come. They are working to try to fill out the theater and have a sold out capacity.

Drew – To Commissioner Jankovsky, later in today's agenda there is a short form grant agreement that he is going to ask the commissioners to look at and use whenever they feel it is appropriate to use. This was a situation where the county had budgeted money through economic development and the grant agreement as they will see is written to be used for their discretionary funds and it's a very easy matter to change discretionary fund to economic development. That would be the basis for an invoice back from the film festival to the county to create both a legal relationship and proper accounting control. It sounds like they are honoring their earlier commitment and he would like to document it in the way he just described.

Commissioner Jankovsky – As you know he doesn't want to see them as the sole dollars for different things. You can see here that there is \$62,500.00 from the outdoor industry, \$18,000.00 from donors and \$51,000.00 from local businesses so we are partners and a major sponsor but we are not the sole sponsors.

**MOTION:**

Commissioner Jankovsky – With that I make a motion that we approve the \$30,000.00 for the Garfield County 5 Point Film Festival as budgeted and the distribution of those funds.

Commissioner Samson – Why do we have to have a motion; did we not already approve this?

Drew – Budgeted is not the same as spent and if the point of a grant agreement, it's a one-page thing this is not a 50 page 8-point font agreement. It's simply to have a record of that and the only thing we'd ask is I'm guessing the budget is printed, if we could get that. You would sign the agreement Mr. Chairman and then they would invoice us based on that agreement, we can release the funds. All that can happen very fast.

Commissioner Samson – I'll second it with the addition that the chair be authorized to sign.

Chairman Martin – That's acceptable?

Commissioner Jankovsky – Yes it is.

All in Favor: Samson – aye Martin – aye Jankovsky – aye



Justin – A point of clarification; there is an invoice standing currently with the county; would he need to issue a reformatted invoice.

Drew – I doubt it.

Chairman Martin – That's standing so we'll go ahead, do our paperwork, and forward that to him.

Justin – I just want to reiterate my clarification, we really see our relationships as partnerships. So we remain committed to still work on economic development. I will reach out to Grand Valley High Schools administration and open up that granting opportunity to them.

- **Pay off COPS 2001 – Ann Driggers**

Ann is here to present the option to redeem; they could pay off the COPS paying off \$6.8 million and saving future interest payments of about \$2.4 million. They have the option to do that until December of this year. She is proposing the county pay this off because of the fact they have a healthy fund balance especially in the capital fund. The payment can be made either April 16<sup>th</sup> or June 1<sup>st</sup>.

Commissioner Samson is assuming they would save quite a bit by making the payment April 16<sup>th</sup>.

Ann – Potentially they could save about \$40,000.00 in interest.

Commissioner Samson – The \$2.4 and future interest payment is over the life span of what?

Ann – If we paid it out for the remainder it would be until 2024 and so, they are saving \$2.5 million.

Commissioner Samson thinks this is a good idea. Something like this is what we were looking at as they went through budget. He thinks the taxpayers of Garfield County would be blessed at this time in saving them \$2.4 million dollars.

Commissioner Jankovsky – This is a good business decision; they need to move forward with this. One thing they often talk about is their reserves but they don't talk about their debt. The other question would be when would they be looking at potentially payoff of the remaining debt.

Ann – The second series will not have an option until 2014.

Chairman Martin – They have looked at these before and made the same decision trying to pay these off faster and saving the interest.

**MOTION:**

Commissioner Samson – With that I would move that we authorize to pursue the redemption of the 2001 COP series. Payoff approximately \$6.8 million with a saving of \$2.4 million future interest payments and that we do that on or before April 16, 2012 thus saving us another \$40,000.00

Commissioner Jankovsky – Second.

All in Favor: Samson – aye Martin – aye Jankovsky – aye

Drew – If you would sign that and give that to clerk, we have a courier to get that going.

Chairman Martin – I'll need to see it in front of me before; Ann do you have the original?

Drew has the original. That was authorization to sign.

Commissioner Jankovsky – I did see in a memo that we will have \$13 million dollars less in our budget than was budgeted. Therefore, there will be additional reserves potentially going into, coming back and going into reserves. I would like to discuss the

use of that \$13 million dollars sometime in the future if we could do that. Where that money goes and so forth.

Chairman Martin – That rolls into the general fund right now. There are several projects. He believes there was \$9 million that went for road and bridge. That has to go back to road and bridge.

Commissioner Jankovsky – Is it rolled over because there were capital projects that weren't completed in 2011?

Ann - Some of it will be rolled over into 2012. It didn't get done because of a lack of leadership in the road and bridge department for six months of the year. So some of those projects will be rolling forward, some didn't get done and I think looking at projects for 2012 will be good.

Chairman Martin – We'll need to have that workshop I think Tom.

Commissioner Jankovsky – Part of that's the \$3 million dollars the sheriff has returned and mentioned earlier.

- **Forest Reserve Payment – Ann Driggers**

Ann – The County received about \$460,000.00 in Forest Reserve payments for 2012. The distribution of this 7.6% goes to title three projects and the remainder is subject to decision of a county/school panel. The panel has met and recommended that the amount should be allocated to school districts 50%. The remaining 25% is determined by the board to be allocated. They are here today to request direction and distribution of the remaining 25%.

Commissioner Samson met with Drew, Lisa Dawson, and the two representatives from RE1 and RE2 and they basically said the share; \$ 458,000.00 to the schools, 7.6% goes to the Wild Fire fund and Search and Rescue. He would put the remaining 25% or \$350,000.00 approximately towards the 5 school districts, but the bulk of that would go to RE1, RE2 and RE16 with a small amount going to DeBeque and a small amount going to Eagle. Needless to say, they were very happy.

**MOTION:**

Commissioner Samson – I would move that we allocate those National Forest Reserve Payment Funds of 50% plus the 25%, and all but, well let's just say all but 7.6% allocated for the five school districts and distributed according to pupil head count.

Commissioner Jankovsky – Second. I'll just say I agree with you Commissioner Samson, the schools are having a tough time now with funding.

Chairman Martin – Just as a footnote; I think this is our third year giving to the kids.

All in Favor: Samson – aye Martin – aye Jankovsky – aye

Drew – There is a resolution and an IGA that goes with that and I presume the motion included authority for the chair to sign both.

Commissioner Samson – Absolutely.

- **Approval of annual mosquito control contract with Colorado Mosquito Control – Steve Anthony and Jamaica Watts**

Jamaica – This was put out to bid in 2010, awarded it and renewed it in 2011. This will be the final option to renew this contract.

Steve – They haven't had any documented cases of west Nile virus for two years. If they approve the contract today that would be the first step and then the second step, they would go back to the municipalities who are their partners and get the IGA going.

Chairman Martin – All municipalities are partners with this program and have signed on to allow this to take place. It has worked well for them as well as us.

Commissioner Jankovsky – That's on top of the \$135,000.00 from the communities.

Steve – Roughly, it's about 70% Garfield County and 30% of the municipalities. We will receive around \$40,000.00 back. He didn't have the numbers with him; but about four of the municipalities are in the \$5,000.00 range, Rifle would be on the higher end at \$15,000.00 because they are the largest area to cover and Parachute would be about \$7,000.00

Commissioner Jankovsky – We are approving this at \$135,000.00 and \$40,000 would come back to the county. He also saw where they do give some office space to the mosquito control folks is that correct?

Steve – Correct.

Commissioner Samson – Didn't we grant Silt and New Castle \$4,500.00 apiece and we paid their share last year.

Steve – Believes it was 2010. Last year they were close to what they asked them for but not quite.

Chairman Martin – They didn't want to leave out any municipalities; they couldn't afford it and they couldn't afford west Nile either.

**MOTION:**

Commissioner Samson – I would move that we approve a contract to Colorado Mosquito Control Incorporated in an amount not-to-exceed \$135,101.14 to provide Garfield County with mosquito control services and authorize the chair to sign.

Commissioner Jankovsky – Second. I will note that is budgeted at \$150,000.00; there is some savings.

All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Approval of contract with Dellenbach Motors for the purchase of 2 County vehicles – Jamaica Watts**

Jamaica – This is off State of Colorado price agreement for a Suburban and a Van in the amount of \$68,730.00. They have used this company in the past.

Commissioner Jankovsky – We are rotating out a van and another vehicle.

Matt – Yes

Commissioner Jankovsky – Will they be used by us or will they be auctioned off?

Matt – It depends on what they have in their fleet. He takes the highest mileage and if they can use they will and if they can't they can go to auction or maybe Rifle or New Castle.

Commissioner Jankovsky knows they had a request from Silt last year for vehicles.

Chairman Martin thinks that is a standing request from most of the municipalities now.

**MOTION:**

Commissioner Jankovsky – I'll make a motion that we approve a contract to Dellenbach Motors in an amount not-to-exceed \$68,730.00 for two vehicles for the sheriff's office and authorize the chair to sign

Commissioner Samson – Second.

All in Favor: Samson – aye Martin – aye Jankovsky – aye

- **Purchase F150's for Sheriff's Office**

Jamaica – This is a contract with Glenwood Springs Ford for the purchase of two F150's. The State of Colorado does have price agreements for Ford's; because they

have two local Ford dealerships they offered them the option to meet the state price agreement. Matt received quotes from both Ford dealerships and Glenwood Springs Ford offered a great price.

Matt – They are to be used by animal control.

**MOTION:**

Commissioner Jankovsky – I'll make a motion that we approve a contract to Glenwood Springs Ford in the amount of \$45,846.72 for the procurement of two Ford F150's for the sheriff's office and allow the chair to sign.

Commissioner Samson – Second.

All in Favor: Samson – aye Martin – aye Jankovsky – aye

- **Approval of a contract with Wireless Advanced Communications to up fit Sheriff vehicles – Jamaica Watts**

Jamaica – They are asking the board to approve a sole source contract with Wireless Advanced Communications. They have used them in 2010 and there is a letter referencing why. There are other companies who do provide accessory kits but the way this company works with motor pool and the standardization of parts is why they are asking for sole source.

Commissioner Jankovsky – \$150,000.00 is to cover 15 vehicles and we were at \$50,000.00 per vehicle in the budget, so we will be under budget.

Jamaica passed out information on all the vehicles.

**MOTION:**

Commissioner Samson – At this time I would move that we approve and award a contract to Wireless Advanced Communications in an amount not-to-exceed \$150,824.35 to install accessory packages in the 2012 patrol vehicles and authorize the chair to sign.

Commissioner Jankovsky – Second.

All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Recommendation to award a contract to High Country Engineering, Inc. for the engineering and Design of County Road 311 – Jeff Nelson and Jamaica Watts**

Jamaica – Her office put this out for a request of proposals in January; they received five proposals and High Country Engineering offered the best value to Garfield County.

Commissioner Jankovsky - Jeff, he saw the spreadsheet but he didn't see dollar amounts; is this \$125 also the lowest dollar amount.

Jeff – Just by default, they were the actual lowest responsible bidder.

**MOTION:**

Commissioner Jankovsky – I'll make a motion that the board approve the award of a contract to High Country Engineering in the amount not-to-exceed \$125,300.00 for engineering and design for County Road 311 and allow the chair to sign.

Commissioner Samson – Second.

All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Energy Performance Contract (EPC) closeout presentation presenter – Chuck Silkman, Eugene Farnsworth, Randy Withee**

Randy – This is work associated with the courthouse and the sheriff; install boilers, lighting etc. They are here to present the closeout and the savings they are looking at to date.

Chuck had a presentation he provided to the commissioners.

Eugene wanted to give a shout out to the county crew, Richard and Betsy. He does this all over Colorado and anyone in construction understands the job will have hiccups. He really appreciated Randy experience and background to help them get through problems that come up. Betsy was truly a treat to work with. He continued to talk about his experiences.

Chuck – They did a fairly extensive audit and assessment of all the county facilities and they found a number of opportunities to improve primarily energy efficiency but also improve comfort levels and address some capital replacement concerns. While they saw a lot of opportunity, the county requested they focus on primarily the two big energy users, the courthouse and the Sheriff's office. The pie chart on page four gives them an idea that the majority of the utilities is in those two facilities. They narrowed their scope and on pages six and seven is a more detailed breakdown. The project was initially contracted for \$787,000.00; there were a couple of change orders, which pushed it north of \$800,000.00. But they had promised an energy savings as part of this contract; on page 11 they have installed monitoring equipment at the courthouse in partnership with CLEER the local energy monitoring company and are seeing some really good results since November. Their guarantee is based on an annual energy performance and in the courthouse; I believe they are looking at about a \$32,000.00 per year savings. From November through February, they are already seeing about \$20,000.00 in energy savings as compared to the baseline. They feel confident they should be able to achieve those savings that they were expecting. They have gotten all the measures installed, they have commissioned to verify that the measures are operating the way expected and they are now seeing the savings to the county. They plan to send a substantial completed completion notice for March 1<sup>st</sup> and begin their commitment to assure and guarantee the county the savings. There is probably a lot more opportunity that the county could achieve through looking at other facilities that they originally assessed. They would be happy to work with the county when they are ready.

Chairman Martin – Are they still looking at 16 – 17 year total payback?

Chuck – The 16-year payback was the guarantee and again that's a simple payback based on utility and operational savings. They replaced boilers in the courthouse; there's some capital benefit associated with that as well but that is not factored into the 16-year payback. Based on what they are seeing right now they feel they may even be able to improve on the 16-year payback.

Chairman Martin, Jean Alberico, Georgia Chamberlain all gave some comments, which were all positive.

Commissioner Jankovsky – What is the life of the new boilers?

Eugene – Typically, 25/30 years, it all depends on maintenance.

- **Approval of and authorization for the Chairman to sign an agreement with Air Resource Specialists – Gene Duran and Paul Reaser**

Gene – This is for a not-to-exceed amount of \$30,486.00 for air monitoring throughout the county.

Commissioner Jankovsky – This is just an extension of our existing contract.

Paul – It is. The way this typically works, it's a fiscal year contract with the state. The county is reimbursed by the State Health Department and this year they were able to

get approval from July 1<sup>st</sup> to the end of last year. For whatever reason they didn't renew the contract for the fiscal year. They will see him again in May or June.

Commissioner Samson – Where are our monitors located?

Paul – With regards to this contract, they are located in Rifle, Henry Building, Parachute Fire station, south of Silt in Dry Hollow on a ranch and soon to be operating one in Carbondale.

Commissioner Jankovsky – There will be another fee for Carbondale?

Paul believes they got approval for that. This is strictly for the state contract.

**MOTION:**

Commissioner Samson – I would move that we as a board approve and authorize the chair to sign the awarded contract to Air Resource Specialists in an amount not-to-exceed \$30,486.00 to provide air monitoring within Garfield County.

Commissioner Jankovsky – Second.

All in Favor: Samson – aye Martin – aye Jankovsky – aye

• **Resolution authorizing treasurer, Wells Fargo custody agreement – Georgia Chamberlain & Carey Gagnon**

Carey -They are looking at two agreements; one is the bank custody agreement and the other is a treasury management agreement. Consistent with state law requirements and with the county's investment policy, which they adopted last October 2011, the county must designate a safe keeping authority to hold the county's funds. This has been held by Wells Fargo Brokerage; but you will see the letter in there from Cutwater Investment the county's investment advisor that they have requested that funds be transferred from Wells Fargo Brokerage to the Institutional Retirement and Trust Department instead. Because the county does not use Wells Fargo Brokerage to buy and sell and that's what Cutwater's role is. They have requested that the county transfer funds to a different department with no change in fees. That's an important piece of the agreement is that although the institutional department retirement and trust department generally charges higher fees; their arrangement with Cutwater is that the fees would not change. They will be paying the same that they pay currently. The second step of the process for the treasurers department, which has access to the account to monitor and manage and that's what the master treasury agreement is about. Wells Fargo has software package; the Commercial Electronic Office or CEO and that's the method through which the treasurer would access and monitor the funds in addition to the reporting requirement that Wells Fargo would have under the custody agreement. The part of this is to allow the treasurer to set-up these arrangements and access agreements with Wells Fargo for that purpose.

Commissioner Samson – they action she needs from the board is to approve the resolution permitting the treasurer to execute the Wells Fargo Bank custody agreement?

Carey – Correct and that is a good point. These funds are held in the treasurer's name on behalf of the citizens of the county and through state law and through the county's investment policy, it would be Georgia who would need to return to these agreements with Wells Fargo, but with the board's approval as well.

Commissioner Jankovsky – The chair signs the custody agreement.

Carey – No, this will require a revision the treasurer will sign and Carey will make that change. Through the resolution, they will authorize Georgia to sign the agreement with

the county. Georgia would get to sign both the custody agreement and the master treasury agreement and then through the resolution she would have the ability to enter in any other agreements that would not either expand the scope of the services but would enable her to perform her duties under the job if there is a need to do additional paperwork setting up the accounts. There would be no expansion of her powers under the investment policy; that would stay as stated.

Drew wanted to put these agreements into context because it is completely consistent with the actions the board started last fall. Through extending the budget review process, they ended up cutting \$4 million dollars in operating expenses. Last fall the board revised and approved an updated investment policy. The board put out, thanks to the treasurer, fresh procurements for their primary day-to-day banking services with Alpine Bank and their investment advisory services through Cutwater. Today they are completing the basic financial framework, if approved, with Wells Fargo and they took a substantial step towards financial health by retiring or beginning to retire about \$6.7 million in debt saving \$2.4 million in interest. He and the treasurer spoke yesterday about the next step after this now that they have all this infrastructure in place and the direction established and that is the establishment or reestablishment of an investment advisory committee. They have discussed this in meetings before and he believes based on their discussions yesterday; our recommended composition for that group will be the treasurer, one of the county commissioners, county attorney, county manager, senior finance administrator, and two citizens at large; preferably with some expertise in finance and investments. This is completely consistent with the county's policy and all for the benefit of the citizens.

**MOTION:**

Commissioner Jankovsky – I will make a motion that we approve the resolution and authorize the Garfield County Treasure to enter into the Wells Fargo Bank custody agreement and Wells Fargo Master Agreement and for treasury management and allow the chair to sign.

Commissioner Samson – Second.

All in Favor: Samson – aye Martin – aye Jankovsky – aye

Commissioner Samson – The bill concerning counties having more latitude in the investment funds, could Georgia elaborate on that.

Georgia – The rating changed on bonds and what they had been allowed to invest in was AAA rating and now that they don't have that rating; the bill enabled them to continue to invest the same way they were with lesser rating.

Commissioner Samson got the impression this would be a plus for us and hopefully they would be getting more on their return.

Georgia thinks the return is with the fluctuating market and it gave them as many options as they had before. When the ratings changed they had less options.

Drew – When the ratings changed, it made certain investments illegal because the statute prior to amendment required the highest ratings from S&P and similar rating agencies. They changed their ratings down and it means they would have to; you could not comply with the law. So they changed the law to reflect the lower ratings. But to speak to the issue on how do we get a better return; that is exactly the function of the investment advisory committee.

Georgia – And to get the better return without compromising our safety.

- **Flaming Gorge Pipeline update – Mike Finley – Reschedule for the 19th**
- **Consideration/approval of IGA with City of Rifle to share the cost of sidewalk replacement – Tari Williams and Betsy Suerth**

Drew – The City of Rifle was present, Mr. Samson and I have met with them and this particular item and he thinks they are able to answer questions on their behalf.

Betsy – It is a 60/40 cost share with the county spending \$15,000.00 and the city spending \$10,000.00 for a total of \$25,000.00. They also have clauses in the contract, which clarifies maintenance on the sidewalk, and both parties are happy with the agreement and the terms of the agreement.

Commissioner Jankovsky – To Tari; on page two item three project scope, he thinks they should slash and the county out of there because the city is the one to do the work. The other thing on project costs; what if the project goes under \$25,000.00? Is it still 60/40 can we put language in there to clarify if it goes under?

Tari – Absolutely she will clarify and she doesn't anticipate it being a problem.

**MOTION:**

Commissioner Samson – I would move that we approve the Inter Governmental Agreement between Garfield County and the City of Rifle and share the costs of sidewalk replacements and with the change reflected of page two of six, project scope county be removed.

Commissioner Jankovsky – And also project costs.

Commissioner Samson – If it does not exceed to be reimbursed back to the county.

Commissioner Jankovsky – Second.

All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Discussion approval and direction to staff re – Form-Grant of Discretionary funds by BOCC – Tari Williams**

Tari – At the boards direction they have prepared a simple agreement that will provide structure to those who come before the board for grant requests. The intention of what they have drafted is that it be user friendly while serving three general purposes. First adding structure so when requests are made they are getting a consistent type of information about what it is they wanted to do. The second is to allow the board to place conditions on the award or use of the award and third to make sure that they maintain the ability to monitor where their discretionary funds go. That is the intent of this is they would like the boards comments, direction and how they would like to go forward with this. By way of example, the senior community gardens are one that would be documented in this way.

Commissioner Jankovsky – This was easy to read. On page one, number two and three can they cross out any? Have it say provide documentation instead of any.

Number 6 can they put attached A in bold as they did?

Tari – Certainly.

Drew – He and Commissioner Samson attended a joint meeting of the fire districts in anticipation of a proposed regional fire authority. The council who presented to the various districts made the point that with respect to ad valorem taxes. Those taxes are gathered for very specific purposes. All of our county services and the funds that are carved out in the discretionary fund historically have been spent for public purposes. Council's point the other night was that you as the elected officials of the county have the final and ultimate control over county funds; do have a duty to the taxpayers to



ensure that those funds are spend as they are directed to be spent statutorily. This grant agreement helps the board meet both prongs of fiduciary duty, a duty of loyalty and a duty of care. It converts their historical process of sort of receiving verbal comments, or a letter and awarding funds in a little bit more structure just to make sure that funds that are awarded are actually spent as intended to be. He doesn't know that they have ever had a problem and he is not suggesting that they have. And to add on any simple conditions; Commissioner Jankovsky for example has frequently added a condition of proving up matching funds. His office is trying to do this in a simple way; anyone can read it and it" very easy to understand. Once these agreements are in place finance has something to issue invoices from, or receive invoices and issue payment from. There's no motion or resolution, just direction to staff and they appreciate the boards input.

Chairman Martin believes it is direction from this board to use this form to bring things forward. He would like them to make it available on the County's website.

- **Landfill Community Benefits – Betsy Suerth**

Betsy – Last spring staff came before the board with a financial analysis for the landfill. At that time, they made several recommendations to change the way they do things in the landfill regarding the financial management and sustainability of the landfill fund. At that time along with those recommendations was an area they focused on what they are calling the community benefits that the landfill provides. The recommendation they made at time was to charge BOCC discretionary fund for several of those community benefits; earth day coupons, employee coupons, household hazardous waste which was a free service to the community as well as dumping fees for Habit for Humanity and Lift-Up. Those savings they predicted to be about \$150,000.00 and if the BOCC were to supplement those services and the services would still be provided by the county. The summary they have provided is a comparison of 2010 versus 2011. What they saw in 2010 was that the landfill lost about \$100,000.00 with the Earth Day coupons or the give a way's for dumping fees. There were several other services, as she mentioned that were not at the time billed to the BOCC. That total amounted to about \$164,000.00. In 2011, you will see now the changes that they made, as the board directed them to make after that presentation in the spring the results of those changes. What they came up with was a little bit of a surprise with the Earth day coupons, and that was Deb Fiscus came up with the idea of limiting the coupon to \$15.00, which they had no maximum limit on that coupon. Any amount over and above that, the customer would then pay. The landfill realized \$128, 706.00 from additional, over the \$15.00 amount. The BOCC discretionary funds supplemented the landfill fund to the tune of \$23,000.00 for the \$15.00 community benefit. They also billed back to BOCC discretionary fund the cost of the employee coupons, Lift-up and Habit for Humanity and also the household hazardous waste. That ended up to be about \$20,000.00 additional. The total bill back to the BOCC was about \$42,000.00. What the landfill really realized was about \$170,000.00 difference in the positive for these specific community benefits. One thing she didn't mention was that they would start billing for electronic waste, which they did and showed the BOCC a fee schedule at that time and they realized savings there as well. It's revenue of about \$12,000.00 for e-waste as opposed to zero last year. They do not need action from the board today they just wanted to show the summary and they believe they were successful with the recommendations that the

board took and gave direction to staff to follow through with and they will continue to operate in this way in 2012 unless they hear differently from the board. They will see inter-fund transfers to be considered as a budget supplement.

Deb Fiscus – On the e-waste, the cost to process those in 2011 was \$21,000.00. They began charging for those in June. It is in line to be a self-supporting program, which is where they want it to be.

Commissioner Jankovsky – Do we recycle on any e-waste?

Deb – Yes, they collect it and then it goes to Life's Family Cycling out of Denver.

Commissioner Jankovsky – Do they pay us?

Deb – No, we pay them.

Commissioner Jankovsky – There is an eco system in Glenwood Springs that is trying to do electronic recycle; maybe they would be interested in our e-waste. For our employees we also get a \$15.00 coupon and there maybe some funds from that as well. We don't bill county departments if they dump. Do you have a transfer where their department is billed when they come through?

Deb – There have been some cases they were; but historically no.

Commissioner Jankovsky – That's \$41,000.00 not billed; if this is an enterprise fund, all these departments have their own budget and could payback the landfill. He thinks they would get a better idea of how well they are doing on the enterprise fund. He knows that creates some accounting work on their part, it is a transfer between departments but he thinks it is a good idea and he would recommend that.

Deb – they have taken steps in that direction. Road and bridge is actually the largest amount of that figure and they have plenty to cover that amount for the 2012 budget.

Betsy –Is that direction the board wants to give to the landfill?

All commissioners answered yes.

Commissioner Samson had a question on the electronic waste; they used to have them deliver it to road and bridge, they are able to take it directly to the landfill?

Deb – Yes.

- **Appointment of Road and Bridge Supervisor**

Commissioner Jankovsky would like to appoint Deb Fiscus as acting Road and Bridge supervisor and have that go through September 15<sup>th</sup> when they have a road and bridge supervisor in place and it will allow the new county manager to come in and access road and bridge and how he/she wants that to move forward.

Commissioner Samson – We need to specify that it is up to them as the Board of County Commissioners to do that.

**MOTION:**

Commissioner Jankovsky – It is not a function for the county manager per state statute. It is an appointment that needs to be made by the Board of County Commissioners and he would like to have that in the form of a motion.

Commissioner Samson – Second.

Drew – It is correctly stated; it is not an authority that can be delegated to the acting county manager; that is with the Board of County Commissioners exclusively under 43.2111 and the title here is simply road supervisor.

Commissioner Jankovsky wanted to thank Deb for stepping forward and also Betsy for the work she has done as the acting road and bridge supervisor and he looks forward to having a constructive summer season with road and bridge.

All in Favor: Samson – aye Martin – aye Jankovsky - aye  
Drew – Not specific to that but he will, particularly on the heels of other reorganizational decisions, he will be presenting to the board in April a comprehensive summary of all of these actions as well as a proposals to them specifically with respect to the board meetings, agendas, communications and a structure. He will be very careful when he does that to make sure this is with the understanding that the new county manager will have his/her own take on things.

### **Public Hearings**

- **Consider a request for a limited impact review for a land use change permit for a compressor station – not subject to Article IX review, located off of County Road 306, approximately 6 miles southwest of Parachute at 1600 County Road 306 – Applicant Energy Transfer, also known as ETC Canyon Pipeline LLC – Glenn Hartmann**

Carey established notification and informed the board they may precede.

Chairman Martin – Swore in speakers

Glenn – Read the exhibits into the record.

Commissioner Jankovsky – After reading these and looking at the additional stipulations that were put forth by our staff; he feels he needs to have an onsite visit. He needs to get a better lay of the land and what the additional stipulations are. Maybe postpone this to a future meeting.

Chairman Martin – The request is to go ahead and do a site review by the Board of County Commissioners that means we all have to be there.

Commissioner Samson agrees.

Chairman Martin – Continue it to the 9<sup>th</sup> of April. Is that acceptable? This was acceptable to all. Chairman Martin explained to the applicant they were not required to notice again; this will be a continued public hearing and the applicant's obligation has been met.

Carey will notice the onsite visit and will work with the Clerk and Recorder to obtain a recording of that visit.

### **MOTION:**

Commissioner Jankovsky – I guess I would make a motion that we continue this meeting to April 9<sup>th</sup>.

Commissioner Samson – Second.

Commissioner Jankovsky – The reason is for an onsite visit with all three commissioners.

All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **2012 Total Rewards – Katherine Ross**

Katherine – Annually they come before the board to present the annual total rewards. Total rewards are defined as pay structure, compensation and the medical benefits of health care dental and vision. They typically make three recommendations; this year will be unusual as they have four recommendations and will ask for four determinations because PPO1 is gone. She asked them to look at page 2 in summary why they are here and they are here because the board believes the organization's mission, vision, goals and objectives. The employees should be paid in way that supports that and the board wants to ensure the best use of public funds. That starts the HR department on an annual analysis where they completely look at market pricing for pay structure,

market pricing for compensation and then what is going on in the medical or health care benefits. They did present some information to the board in February in a work session. On the bottom of page 2 in summary, she will start with the pay structure and compensation. Pay structure projections are for less than half a percent. Another words we move our pay structure up based on the market. In the last couple of years, it has hardly moved at all. Last year it was 1%; this year it's .4. Pay increase projections are at 1.1%. Turn to page 3, because it is not even 1% they will end up recommending that the pay structure doesn't move. The cost estimate of course for the county is zero. It tends to impact the starting pay of new hires and approximately ends up being around \$17 to \$20,000.00 a year. On the pay increases, our pay increases are tied to what we call merit pay the performance appraisal system. She provided, in the first table on that page, what the formula is if they were to approve the pay increase recommendation. They take the 1.1% and round it off and it becomes what's called the proficient line and they round it off to the 1% and go up and down from that. But then they do further calculations and the table at the bottom of the page, this is unique this year for the way they calculated this because they align with what was budgeted for the pay increases. Typically, they budget a percent; this year they budgeted a dollar amount. In 2011, they budgeted roughly \$26 million for pay and the actual was around \$22.8 million with an 8.6% difference there. Anything under 10% is considered good. Then they took the budgeted amount for 2012 and that is roughly 25.8 and they knocked off .6% just to give them idea and it drops it down to 23. They recognized the \$700,000.00 and they did two calculations; one, if the merit increase of 1% is approved, basing it on 25.8 that would be a cost of \$258,539.00 for the county. If they based it on what they think it would be actual on the 23, it would be \$236,241.00. The next page is a summary of what their recommendation will end up being. They recommend that the board, as in the past, pay for performance for those eligible employees using the merit pay formula and that the cost would be an increase of \$258,539.00. That is an annualized cost and she will give them more numbers where she breaks it down. She made a note; typically, they add it on to the base and that means every year it's cumulative. There had been some discussion earlier in February or questions about what if they did it as a lump sum. A lump sum means you do as one thing and it is not added onto the base. Rolling into the health care dental and vision, it is unique this year. She hopes they end up pleasantly surprised. Turn to page 5, the top two charts are breakdowns provided by CEBT. They are frozen in time at slightly different dates because they are provided from their vendors. You notice the number of enrollees in PPO total is 451, the number of enrollees in dental and vision is 449. They are general numbers just to give them an idea. Every year the pool has a calculated number that they should come in below. This year it's 92.8%; so if they look at the ratio on the far right you can tell by PPO how the county came in and you can tell also by dental and vision. If they look at the utilization summary, that is the key number and it's highlighted in yellow. They came in as a county at 78.9%; that's sweet. It is also highly unusual. What are the causes; some of it is just pure accident. The overall cause is employees are better managing their health care costs. HR tries to help with that by providing benefits bits and other educational pieces. There is no way they can calculate scientifically the value of that but they get a lot of feedback and in fact people are making better decisions even by the

questions they get asked. Therefore Garfield County's rate increase is only 5.5% and that is very good news for the county.

Commissioner Samson – We have 451 employees; some employees don't use this because they have a spouse who has insurance. Is that an option?

Katherine – The County has to provide something and the county picks it up. The county requires all regular fulltime employees to participate. What they do to give the employee flexibility they can choose, not only a PPO plan but they can choose whether they go employee only, employee plus spouse, employee plus family etc. The numbers on PPO 2 they expect to go up a little bit. On page 6, what they decided to do knowing that PPO 1 is going away, what if they just provided PPO 2 and 3 only. Then they also looked at what if they provided 2, 3 and 4. They had to make some calculated assumptions. Looking at the top table they went from PPO 2 and 3 only, the assumption the county still pays for the total cost of 3 and assuming that the PPO 1 people will migrate. Historically what people will do is migrate to the next closest to the current plan they are on. Even with the 5% increase, in 2011, they basically paid \$7 million for those benefits; they think in 2012 that they will only pay \$6.8. If they go to 2, 3 and 4, which is what they will be recommending to give employees a greater variety the county will actually save more. Other good news on healthcare the routine eye exam has always been every two years and now it will be every year. Either way they go; what they budgeted was 10%. They are actually saving quite a lot 4.5 to 5%. If the board goes for PPO 2, 3 and 4 not only will they save the 4.5 to 5% but they will also save about \$230,000.00. Page 9, the cost increase estimate summary is what she provided there and there will be no structure movement. But if the board did the pay increase based on using the higher number, where it is added to the base, the annualized cost increase estimate would be \$258,000.00. She broke it down to what it would cost in 2012 because they are recommending they give it with the June paycheck. That's what the board did last year. It would really be half that amount for 2012. If it was done as a lump sum it would all be in 2012. With the pay increase recommendations they are making you would save approximately from the \$700,000.00 approximately half of that. The health care insurance premium costs they would save about \$930,000.00. They are looking at a total savings of \$1.3 million. Back to page 8 there are four recommendations they are going to make and the board has taken them one at a time in previous years. Pay structure recommendation; no change in the pay structure.

**MOTION:**

Commissioner Jankovsky – I'll make a motion that we make no change in the pay structure for 2012.

Commissioner Samson – I would like to see what she's going to say for all four and then we can come back and do that if they don't mind.

Commissioner Jankovsky – We can table my motion.

Katherine – For the pay increase, she is recommending they provide pay for performance increases for eligible employees based on the merit pay formula effective in the June paycheck. That would be an estimated cost of \$258,000.00 and it would be added to base pay. The second bullet on that is we have people who end up on what they call a 6 month pay period because they are new hires or new in a job and they would be under the same plan. The money is all calculated as annual. That's basically

a 1% increase. On health care, she recommends the board provide PPO 2, 3 and 4 paying for 4. The county will pay for the 5.5% increase and authorize her to sign the required documents.

Commissioner Samson – What is the difference; the way it's setup right now PPO 1, 2 and 3, if you take 1 or 2 the employee has to pay a premium?

Katherine – Yes a portion of the premium.

Commissioner Samson – With the new set up we get rid of 1, we have 2, 3 and 4; 2 and 3 now you have to pay part of?

Katherine – Yes on page 12 she broke it down.

Commissioner Samson – What are the differences in the present three to the upcoming four in the way of added cost for the employees?

Katherine – It depends on what they choose. Look at page 11 and pick out where you are now; say you are in PPO1 employee only. Turn to the next page, if you pick PPO 2 you will go from \$28.00 to \$29.00. On the next page, what will change for the employee; again, depending on what plan, the office visit co-pay will go up approximately \$5.00. Prescriptions no change. The deductibles, on page 14, will go up depending on what they choose. Finally, the maximum out of pocket will change for the employees.

Commissioner Samson – The out of pocket expense from going from 3 to 4 jumps from?

Katherine – Its' about \$500.00.

Commissioner Samson – It will cost the county a little over \$1,600.00 per month.

Katherine – Yes.

Commissioner Samson – What I'm saying is it's roughly the same.

**Motion:**

Katherine – Pay structure make no changes.

Commissioner Jankovsky – I made a motion

Commissioner Samson – I'll second it and just a question there. Did we not give the employees a 2.5% increase last year?

Katherine – Yes on average.

Chairman Martin – All those in favor of the motion not to make any pay structure movements.

All in Favor: Samson – aye Martin – aye Jankovsky – aye

**Second Motion:**

Katherine – Provide pay for performance increases for eligible employees based on the merit pay 2012 formula of the annual performance appraisal process effect in the June paycheck and that is an average of 1%. And do that with the interjectory employee performance appraisal process.

Commissioner Jankovsky – So moved.

Commissioner Samson – Second but I would like to discuss that a little more. To be real honest with you I'd like to give them some more. I'm thinking in my mind here if this all figures out like you're saying Katherine the increases that we're going to be garnering because of the things that we've done, the good what's the phrase when we did so well. Utilization rate, I guess what I'm saying is it's because of our employees that we have made a windfall. And I'm looking at that and I'm saying that's awesome. 78.9% and because of that we're doing well. Now with that in mind with just the 1% you're saying

taking the estimated cost of merit pay at the high range would be \$258,000.00. So let's just, and I know its statistics, if we were to double that percentage from 1% to 2% would that mean we'd be about ½ million?

Katherine – Roughly. So if we doubled each percent like if we're looking at the chart on page 3, what you're saying is exceptional would be....

Commissioner Jankovsky – Exceptional 3%.

Katherine – Right, 3, 2 and 1.

Commissioner Samson – I guess what I'm saying, because they have, they the employees have done so well and saved us a lot of money and that's the way I look at it. I would be willing to say that perhaps we should go 2% instead of 1%.

Katherine – If I use that strategy, I can go 2% instead of 1%, yeah. Oh, you mean use 2% not go to 2%. So proficient would be 1% and exceptional would be 2%.

Chairman Martin – Is that what you're getting at?

Commissioner Samson – Well I was thinking, I was saying that proficient would be....what I was getting at whatever the formula we would have to use here that the estimated cost of merit pay average increases at an average of 2%, okay? Gives us \$258,000.0, if we were to say the estimated cost of merit pay increases 2% so you're proficient would be 2 correct what would that boost exceptional up to?

Katherine – Exceptional would be 2.5% using the formula.

Commissioner Samson – That's what I'm proposing.

Katherine and that would make the .5, 1.5.

Drew – Just a statement of support. I do not have the detailed analysis that your expert HR department does. The commissioners received an updated report from finance on I guess the term is unexpectedly high fund balances. And that's because of decisions that you made last year that produced that in efficiencies and other elected offices like the sheriffs. During the budget discussion, you raised the possibility of tabling this until December and offering this as sort of a onetime bonus. First thing I wanted to do is thank you because you haven't even mentioned that today. These are increases to base pay and I believe it is critically important to maintain incentives in the workforce, truly the human resources that you are attracting, retaining, developing and I thank you very much for the suggestion of increasing it from the perspective of the acting county manager and the county attorney. We would support that too. We'd ask you to do that I think it sends a positive message to every employee in every elected office in every department for that. I understand you have other financial responsibilities and this is not a quick or easy decision and I understand that in stating my support for this as well. We thank you very much on behalf of every single employee.

Katherine – Lori did some calculations.

Lori – It is just under ½ million.

Commissioner Samson – I appreciate what our acting county manager has said and I think we have good employees and I think they're doing a good job. This to me is a prime example of that and saving us a lot of money. I know many organizations really struggle with this. You've been in the game a lot longer than I have with human relations or human resources. I like the comment you made that wow I've never seen that 5% and I'm looking at that and I'm going that's awesome. Because I remember the graph you gave us a month ago and it was like 20%, 10%, 12%. This is an opportunity for us to tell our employee's number one we appreciate the job their doing and please

continue to do so and so on and reward them. Number two we do have some money, we are doing well; but number three I think to piggy back on what Drew said, I think it shows the communities and our county that we're positive about Garfield County and I know we are. I think this is a good way to show that we have faith and confidence that things are going to improve in Garfield County. In 2012/2013 we're going to see a turn. We're going to see things continue to improve economy wise and just everything. I think this is an opportunity for us as commissioners to reward them and show support for them and also for our county.

Chairman Martin- It goes back also to the motion that Tom made in reference to the budget when we did operational trimming actually to balance the budget. We had a percentage that we put in; it's in the budget right now so it's not an increase in our overall budget. It's still a balanced budget; we just have to move that from that line item to employee benefits.

Commissioner Jankovsky – We had \$700,000.00 in our budget for possible pay increases. I'll add a couple things here and is that yes our employees are doing a good job and their shouldering some of the maybe the burden of going from 500 employees to 450 so a 10% decrease since 2008. They have done a good job on their health care as well and we do have a surplus. Those are all positive things. My concern right now is that and it's not on this pay increase this is for the future. I want to do this pay increase at this point because we have the funds and our employees have done a good job, but I have a concern 80% of our property taxes are coming from oil and gas. Oil and gas is at \$2.40 an MCF and I don't know that in 2 years there will be a pay increase because things may change. So I think we need to take advantage of this now. It does cumulate when we do that if we do 1.5 and 2% that is there when we do our balanced budget again next year and we have to; it's there for a full year not six months. I like the 1%, 1.5% increase but if you want to go to the 2% and 2.5% I'm not opposed to that. But I do just want to put out a word of concern I guess about how we have all our eggs in one basket on property taxes and that may be something that we have to address in the future.

Commissioner Samson – I can understand that, I appreciate that I think things are going to get better. I'm optimistic because I know all three of us are. And I'll just say prior to you coming on board I shared a lot of those concerns but we were in a different economic thing and for two years I was kind of the watch dog like you are and employees didn't receive a raise and then as you know last year I said I don't want to be known as a commissioner that doesn't ever give a raise. So we gave a 2.5% raise. I think things are continuing to improve and do well and I think this is the time and then we'll watch that close. But they went two years without a raise and I know a lot of other organizations have gone a lot longer without a raise and I understand that, but I think things are on the up sweep and I appreciate your comments.

Chairman Martin – A big clarification at this time, no elected official received an increase in pay based upon our decisions. All elected officials pay is established by the state legislature and those limits are set by statute. So therefore we are not giving ourselves, meaning elected officials a raise. I just want to clarify that. This is only non-elected and staff members who receive any raise. Back to number two Mr. Samson.

Commissioner Samson – Tom made the motion.



Commissioner Jankovsky – My motion was on number one; I don't have a motion. Oh, I did make a motion, Katherine read that and I said so moved.

Commissioner Samson – And I seconded it for discussion.

**AMENDMENT TO MOTION:**

Chairman Martin – So now you're adding an amendment to that to increase it from 1% to 2%.

Katherine – On page three just to be clear, we're using the formula on the percent increase. Proficient would be 2%, exceptional would be 2.5%, developing would be 1.5% and inconsistent is always zero.

Commissioner Jankovsky – I will accept that amendment to my motion.

Commissioner Samson – Second.

All in Favor: Samson – aye Martin – aye Jankovsky – aye

**MOTION:**

Katherine – We recommend that you provide PPO2, 3 and 4 as the health care plan options funding each plan as shown in appendix, which means that you pay 100% for PPO4.

Commissioner Jankovsky – So moved.

Commissioner Samson – Second.

All in Favor: Samson – aye Martin – aye Jankovsky – aye

**MOTION:**

Katherine – Pay the 5% increase in premium costs and authorize the director of HR to sign the required documents.

Commissioner Jankovsky – So moved.

Commissioner Samson – Second.

All in Favor: Samson – aye Martin – aye Jankovsky – aye

**Attorney Update: Andrew Gorgey**

Drew wanted to state for the record since they have had 3 ½ hours worth of meeting approximately; he does support this format of the 9:00 a.m. start and the rolling agenda for these meetings. He says that because you have to factor in that they conducted two meetings in one day. Two thirds of the board was serving the county in Washington, DC last Monday, The National Association of Counties, we have consolidated effectively two agendas in one and they have still been able to conduct all of this business. He thinks they have covered all of the county attorney items and he will give a comprehensive update for the county manager in April.

**Land Use Updates/Building & Planning**

**Public Meetings**

- **Review of the preliminary Draft Environmental assessment for the Enterprise Mid-America Pipeline Western Expansion II Project and discussion in regards to providing comments – Tamra Allen**

Tamra gave a presentation. This is a preliminary draft. Comments are due by tomorrow. They estimate they will be releasing a final draft ERA in May and that will have a public notification or a notice and comment period.

Commissioner Jankovsky – Has a question to Chairman Martin; the road and traffic on 201 he is not familiar with that. He doesn't know if there is anything they want to address on impacts to that road.

Chairman Martin – There is an interesting impact to that road; there was a large purchase by an energy company called EnCana and they are going to do oil drilling in that particular area, bought up everything. They have done and are starting, as we speak, a very large improvement to County Road 201 just out of Mesa County into Garfield County. Looking at the proposed route, you will find that most of it is in the I-70 corridor right-of-way coming from Thompson Springs on the south side of I-70 it runs along Highway 6. If you have ever run that road you will see there is a very large gravel road south of I-70 that has been used for pipelines for a long time. It runs all the way into Mesa County, follows 6 and goes over to Baxter Pass and up through that way through 201. It's all highway right-of-way. He doesn't see too much private property; but he sees BLM land. Katherine Robinson at the BLM office in Grand Junction has reviewed this numerous times. His comments would be how much is not highway right-of-way, federal right-of-way, or state highway? What is the permanent destruction of habitat? In what areas and is it temporary or not in roadways? It is agreements on private properties that have been settled etc. Restoration, re-vegetation etc. He didn't find where the wetlands were being destroyed. It has to be somewhere in Garfield County. He doesn't believe there are any wetlands between Thompson and DeBeque. They need to find out where it is in Garfield County unless it goes into Uinta County through the Indian reservation.

Tamra – The EA in regards to the wildlife, the language they used says that the construction would require the removal of that habitat. They cite the lengths and the acres associated with that removal. That's as much as they talk about. They do talk about some mitigation measures but it's not clear on how that would regenerate that habitat or the length of time in which that would take. They can ask them to clarify that in the EA.

Chairman Martin – Who is using the herbicides they are referencing? Who's putting that on there? What type of vegetation are we putting under that required herbicides? That's mentioned that it can destroy water and the fish life. Running through that particular area, they're saying the fish in the White River and the Colorado River will be affected based upon that pipeline construction due to herbicides and dust. That is a long way away for both of those water bodies and he wants to know how is it going to migrate that far?

Tamra – There may be minor to negligent able impacts from the sedimentation that would occur in the streams and wash down to the Colorado where we find some of the endangered species. They can send an inquiry to that regard about herbicides and impacts to the waterways if that's your question.

Chairman Martin – Identifying the different allotments that are there are grazing allotments, most are sheep.

Tamra believes they have identified all of those. They address all the impacts of the allotments, which are de minimus in Garfield County. Other impacts they will find on page 344 of the EA it look like at least in a quick review, those impacts will be along, she believes, West Evacuation Creek which is in Garfield County.

Chairman Martin – That's an intermittent stream he believes.

Tamra – But you still can have wetlands.

Chairman Martin – But it's not a live running stream year round. If there are fish in there he would like to know where they are; intermittent streams in the wetlands.

Tamra – Was there a specific question there on the wetlands.

Chairman Martin – Yes, exactly where are they located.

Commissioner Samson – It says adjacent to McAndrew's Lake.

Chairman Martin – That's what they need to see and he thinks that is probably an allotment for wildlife or domestic animals.

Tamra – To Commissioner Martin, just so she is clear, was the question on the wetland just about its general location, was there any other concern?

Chairman Martin – They need to find out where McAndrew's lake is for sure.

Commissioner Jankovsky thinks in general they are supportive of this project but they have a few questions. He thinks the fact that it's in an existing right-of-way in the western end of our county where there is very little population they are supportive and have questions.

Tamra will do what she can to compose what she heard today she would plan to bring it back when she has the final draft in case there are additional comments.

Commissioner Jankovsky asked if she was sending out today.

Tamra – Or tomorrow morning.

Commissioner Jankovsky – And you will have in there our land use requirements.

Tamra – Absolutely.

Commissioner Samson would like the workforce to come from Garfield County.

**Commissioner Reports** – Kirby Wynn - Passed out information on the White River Field Office Resource Management Plan amendments for oil and gas as well as EIS.

Kirby will be attending a meeting tonight. Comments are due tomorrow; it is just the cooperating agencies providing comments. This is before the public and industry comments. The plan is mostly in Rio Blanco County. There are a couple of areas that extend into Garfield County and they are significant to us but on a land area basis. Rio Blanco will live with the bulk of the results coming down. He walked them through what the alternatives were. There are four alternatives and the BLM's preferred is Alternative "C" and that is also Rio Blanco's strong preferred alternative. His observation is that Rio Blanco has been working very closely with the field office. That field office staff there has been one of the key authors of this overall plan. It really seems to show that there is a real partnership going on with the local agencies. At least from Rio Blanco County's perspective they had very few comments. Alternative "A" is no action alternative; they would continue to manage the program as they have since the 1980's. Their projections were way off, they thought the potential of oil and gas would be up in the Alternative "B" emphasizes conservation protection of other resource uses. In that alternative there can be up to 1,100 well pads within the White River Field office area. Alternative "C" is preferred by BLM and it emphasizes short-term use of the environment while maintaining and enhancing long-term community function and ecological integrity.

Chairman Martin – 1,100 well pads based on what spacing is that surface or is that down hole as well?

Kirby – That is actually the pads; surface pads. These pads will go across a little better than 1.2 million BLM acres.

Chairman Martin wanted to know what size of well pads and Kirby didn't have an answer.

Commissioner Jankovsky – When they went to Meeker he thought they were 45-acre pads.

Kirby – A key element of their spacing and their plan for management of this under Alternative "C", there is a real dependence on directional drilling to stay off some of the ridge tops and the grouse areas. This emphasizes the short-term use. The key element is that disturbance thresholds would be a lot higher and they expect to see a lot more exceptions and modifications to lease stipulations that would be granted. What Alternative "C" does is open up many lands to oil and gas development, a lot more than Alternative "B". However, their approach would be to reward the companies for doing the site reclamation in a very timely basis. They did mention a percentage of disturbances; he does not have those in front of him. In this alternative, they would develop up to 1,800 well pads with surface disturbance totally 21,600-acres. If you go back to alternative "B" which is more of a protective scenario and less allowance for development, 1,100 well pads and only 13,200 disturbed acres. Alternative "D" would emphasize production of oil and gas resources. Open it up and maximize the extractive process. Alternative "D" would be 2,556 well pads and it would disturb approximately 30,700-acres. Recommendations he has; he has been working with Rio Blanco County and he has the comments Rio Blanco submitted today. A key element is number one; their concern is base line air monitoring and long term monitoring of air quality. Which makes a lot of sense and they think the same way in Garfield County. They point out that two sites throughout the entire area are not enough. BLM would like to try to get more funding with base line air monitoring and Rio Blanco recommends let's talk about a long term process so they can understand the air quality. The second one there is a concern that BLM would allow discharge of produced water that has been cleaned up and treated to a proper standard. The BLM does not intend to allow discharge of those waters in the area streams under Alternatives "B" and "C".

Commissioner Jankovsky – In Rio Blanco they have a fairly substantial plant that will be treating water.

Kirby felt they could support Rio Blanco County. The BLM doesn't support the use of evaporation ponds on public lands. Rio Blanco's perspective was on a case-by-case basis they really should consider that. 1.2 million acres, the bulk of the extractable minerals are considered to be on BLM lands; that's where the bulk of the development activity will occur versus private land, forestlands. They thought it only made sense that public lands might house for evaporation. If they don't allow it, it will increase truck traffic.

Chairman Martin thinks they could look at filtering and processing water; they will still have to haul some water in.

Kirby – Do we think the BLM should look at allowing evaporation pits on BLM lands?

Chairman Martin – Case by case basis.

Kirby – Number 4; these are the ones he brought to Rio Blanco's attention. One thing they know the Colorado River Valley Office, RNP, was some stringent requirements or expectations for industry to vastly overhaul how it actually powers energy sources for rigs. In Garfield County's case, the Colorado River Valley what they really saw they were looking at natural gas power drilling rigs, electrified compressor stations, it was pretty severe. Rio Blanco is concerned that the electric authorities' capacity to deliver

additional services to the area would be questioned if they were going to require at least 50% of gas compression to be powered by electric motors.

Chairman Martin – There is no infrastructure in place up there at all. You have to go across public lands regarding a power transmission line; that takes years in the review process. It's nice but there are other methods as well, not-just diesels but other methods using natural gas.

Commissioner Jankovsky thinks they really need to question this one and be more stringent than Rio Blanco County was on this because they are talking about just moving the impacts from BLM lands to electric power plants and potentially you have to develop more electricity to do this. Rio Blanco is okay with this, they just want to have power lines buried.

Kirby – It does just move the problem. This 50% gas compression recommendation only shows up for alternative "D" under the BLM's guidance which would be the maximize extraction alternative. Rio Blanco supports the 50% electrical power for compression only under alternative "D". Number six has to do with floodplain insurance program. He wants to make sure there is consultation with the county related to flooding. He guesses what they are questioning is the BLM maybe taking over some county authority for floodplain management. Number seven Rio Blanco County is in support of the use of service thresholds as an exception to timing limitations. All we are doing is restating alternative "C" is better than alternative "B" because alternative "B" is a time limitation control and alternative "C" is service.

Chairman Martin – Goes back to where are the priorities, what is the timing, how can you put these in a certain timeline and give us the overall game plan where you are headed on a monthly basis. That goes back to the percentage of disturbances showing there is a comprehensive drilling plan, infrastructure is supported. He thinks they need to identify that. If they are going to have multiple leaseholders they have to work together and coordinate between the different lease holders.

Kirby – The last comment was basically appreciated for BLM's efforts on this. And their final comment was really that they view this as a superior RNBA.

Commissioner Jankovsky thinks they need to support Rio Blanco County on alternative "C" as well. He thinks with the comments Kirby made they are comfortable with him sending the comments into the BLM.

### **Executive Session**

- **Upon the affirmative vote of two –thirds of the commissioners the board will adjourn to executive session pursuant to CRS 24-6-402(4)(a)(b)(e) to confer with its attorney for the purpose of receiving legal advice on specific legal question regarding real property and instructions concerning negotiations regarding real property (two transactions)**

Drew – Executive session as above.

### **MOTION:**

Commissioner Jankovsky – I move that we go into executive session.

Commissioner Samson – Second.

All in Favor: Samson – aye Martin – aye Jankovsky – aye

### **MOTION:**

Commissioner Samson – move come out

Commissioner Jankovsky – Second.

All in Favor: Samson – aye Martin – aye Jankovsky – aye

Drew stated for the record that discussion was limited to the items as announced, there is no public action to be taken, and negotiators received their instructions.

**Commissioner Calendars** – Commissioner Samson – 8:00 a.m. tomorrow in Glenwood they have a work session with three items, that night they need to be in New Castle from 6:00 to 7:00 p.m. to meet with New Castle council, 7:30 – 8:30 p.m. a town hall and he hopes that was advertised. Maybe call KMTS ask if they have a slot on the local news.

Drew will have Jena do that.

Commissioner Samson – He and Drew were at the regional fire meeting. He went to talk with New Castle City council concerning AGNC and they had a host of other questions. Some of the things they want to talk about is their roundabout and their bridge and fees on roads; overweight vehicles. Thursday, 15<sup>th</sup> he has FML at 9:00 a.m. in the new district office.

Commissioner Jankovsky has a Senora Institute meeting tonight at 5:30 p.m. but there's also the oil shale public meeting in Silt and he is trying to decide which one to attend.

Commissioner Samson – Kirby Wynn will be there.

Commissioner Jankovsky – Tomorrow a meeting with Fred Jarman at 1:15 p.m. concerning Sage Grouse comments, a meeting with SGM to look at their potential design on Four Mile Road Black Diamond curve and Black Diamond Bridge and again New Castle. On the 14<sup>th</sup> he has Human Service commission and Garfield Clean Energy meetings.

Commissioner Samson also has a meeting at 4:30 p.m. with Lou today and Susan B. superintendent of schools.

Commissioner Jankovsky had a request from David Grisso who is with EnCana for a letter of recommendation for him to stay on the BLM RAC Committee. If that's all right with them, he will send the letter and would like to do it on Garfield County letterhead.

Chairman Martin thinks he could include the entire commission on that. He and Drew will be in Denver on Wednesday. Chairman Martin will not testify.

Drew – This is Senate Bill 1231 for the House Local Government Committee. The committee will convene upon adjournment of the house and he will be there as the Garfield County Attorney and they are driving with the President of the FML board, Greg Rippy, District President.

Chairman Martin will be in Denver Thursday and Friday for CCI and the NACO report for public lands.

## **Adjournment**

**March 13, 2012**

## **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

### **SPECIAL WORK SESSION**

**a. Grand Avenue Bridge update - Terri Newland 8:00 a.m.**

**Attachment Grand Avenue Bridge Update**

Tom Newland gave a Power Point Presentation consisting of the overall solution, alternatives and project goals and the alternatives screening process. Interactive website for CDOT. [www.sh82grandavenuebridge.com](http://www.sh82grandavenuebridge.com)

**b. Automatic Residential Fire Sprinkler System in One and Two Family Homes 9:00 a.m.**

A presentation was given by Andy Schwaller and Fred Jarman of the Building & Planning Department.

**ATTACHMENT RES-SPRINKLERS**

**c. Presentation and review of the County's emergency preparedness plans including the Multi-Jurisdictional Hazard Mitigation Plan, Continuity of Operations Plan and Recovery Plan - ECONorthwest, Betsy Suerth, Chris Bornholdt, and Tamra Allen 10:00 a.m. - 12:00 p.m.**

**Attachment Garco COOP**

**Attachment Garco Natural Hazard Mitigation Plan**

**Attachment Garco Recovery Framework**

**Attachment Multi-Jurisdictional Summary of Actions**

This was an indepth review of the Emergency Preparedness Plan.

*March 19, 2012*

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA - 8:05 a.m.**

**REGULAR WORK SESSION:**

**Approve the consent agenda and the documents needed for the chair's signature to be authorized.**

**a. Approve Bills**

- b. **Wire Transfers**
- c. **Changes to Prior Warrant List**
- d. **Interfund Reimbursement Request**
- e. **Authorize the Chairman to sign the Land Use Change Permit for a freshwater pond to be located 13 miles northwest of the Town of Parachute. Applicants are Berry Petroleum Company, Marathon Oil Company, PGR Partners and Wapiti Oil & Gas. - Kathy Eastley**  
[attachment Berry Petroleum Land Use Change Permit](#)

A motion was made by Commissioner Samson - I would move that we approve the consent agenda items and those things that require the Chairman's signature to do such.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

## **2. 3rd Supplement to 2012 Budget - Ann Driggers**

### **Attachment 2012Budget Supplement#3**

Drew - The notice was published in the Citizen Telegram on March 15 that is the only legally compliant paper in the county and it does list today's date, time and subject. In my opinion, it is sufficient.

Chairman Martin swore in Ann Driggers.

Ann Diggers, Finance Administrator and submitted Exhibit A and presented the 3rd Supplement to the 2012 Budget and Exhibit A.

### **Discussion**

Drew - Under 151-capital fund for the certificates of participation, I wanted to point out that the net is lower than the face of what you owe because the trustee holds \$726,000 in reserve so that reserve is applied to the balance. That's why it's not increased here but it is accounted for. I just point that out in case anyone was wondering the difference. Chairman Martin - Thank you very much.

A motion was made by Commissioner Samson - I would move that we approve the supplement to the 2012 budget as presented and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

## **ii. Community Counts \$20,000 donation - Bob Knight & Denice Brown**

### **Attachment CommunityCounts**

Bob Knight and Denice Brown submitted the document and request for \$20,000.



A motion was made by Commissioner Samson - I would move that we approve your request for \$20,000 out of our discretionary fund for Community Counts to better their work here in Garfield County and authorize the Chair to sign.

Kirby – There's \$20,000 in the Oil and Gas budget at this time for this.

Commissioner Samson - Okay, we'll take it from the oil and gas budget and not touch the discretionary fund.

Chairman Martin – That's the money identified and that's the request and Kirby stated he is willing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**b. Board of Human Services:**

**i. EFT/EBT Disbursements**

EFT/EBT Disbursements form month of March 2012 for a total of \$1,023,354.52.

A motion was made by Commissioner Jankovsky - A motion was made to approve the provide disbursements for the allocated programs for \$223,416.72 and client benefits for food assistance and leap totaling \$799,937.80 for a total of EFT/EBT disbursements for March of \$1,023,354.52 and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**ii. Program Updates**

**Attachment DHS Program Reports**

Program updates.

Chairman Martin - Any updates in reference to legislation that you could give these guys. You and I were there.

Mary - Senator Boyd was going forward on the legislative session, the only thing we did request the adult protection bill is going forward. We did work with Senator Boyd with amendments. And that they do a fiscal analysis.

Chairman Martin - Yes, that was important too. Mary did a good job for us, I sat in the back of the room behind the petition, and she took part and vigorous discussion for 2.5 hours in reference to legislation.

**i. Update on the Colorado Blueprint, the State of Colorado's Approach to Economic Development - Kari Linker, OEDIT and Elyse Ackerman, Department of Local Affairs**

Tamra Allen, Kari Linker and Elyse Ackerman present. Elyse Linger from DOLA was not present.

Kari Linker presented the update on what is going on with the Colorado Blueprint, the state's approach to economic development.

**a. Human Services Commission:**

Julie Olson from Advocate Safehouse Project, Marian McDonough with Catholic Charities, Kimberly Loving with Lift Up, Karen Pepper with Feed My Sheep Ministries, and Karen Lee with Salvation Army. Each one gave their program updates.

**iv. Approval of a contract with Honnen Equipment for the purchase of a 2012 John Deere 772G Grader - Jamaica Watts**

Attachment Honnen Equipment Co Grader

Jamaica Watts - Today we are requesting approval of a contract with Honnen Equipment for the purchase of a 2012 John Deere 772G Motor Grader for Road and Bridge in an amount not to exceed \$222,463.00, this will be purchased off Colorado Department of Transportation Cooperative Agreement.

**Discussion**

Chairman Martin - This was in the budget. It was at one time a request for two but the budget cut it to one.

Commissioner Samson - And we're getting a trade-in for \$47,500.

Commissioner Jankovsky - Yes, we are trading it, I missed that.

A motion was made by Commissioner Jankovsky - I will make a motion that we approve the contract for Honnen Equipment Company in the amount of \$222,463.00 for the purchase of a 2012 John Deere 772G Grader.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**v. Approval of and authorization for the Chair to sign a services agreement with Joe R. Carpenter Insurance Agency Inc. for Veteran Services-Gene Duran**

Attachment Carpenter Veterans Services Officer

Gene Duran presented for Joe Carpenter and submitted the request for \$30,000.

Commissioner Jankovsky - We have an obligation to our veterans.

A motion was made by Commissioner Jankovsky - I would make a motion that we approval and authorize the Chair to sign a services agreement with Joe R. Carpenter Insurance Agency Inc. for Veteran Services which would also include drafting a Resolution with authority by the legal office and authority of the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### iii. Master Project List 2012 Review, Direction to Staff and Board Action - Deb Fiscus & Ann Driggers

Deb Fiscus, Statutory Road Supervisor, Ann Driggers Senior Finance Administrator, Mike Prehm Foreman District 1; Wyatt Keesbery Foreman District 2, Ray Sword Foreman District 3, Randy Withee Engineer and Jeff Nelson Engineer were present. The three-district foreman submitted a list of projects for 2012. The Commissioners discussed this indepth.

#### **Discussion and Direction to Staff**

Drew - With that \$9 million what is the balance in the road and bridge fund, if you were to add that back?

Commissioner Jankovsky - \$28 million with the \$9.6 million. So I would like to see us spend the \$9 at least and what we have and what we have budgeted as well for this year. When we talk about economic development, there's no better way to get funds back into our community and to improve our community than these projects.

Drew - What is the budget amount for his year?

Chairman Martin - For project, did you remember that one.

Deb - Approximately \$12 including the West Parachute Interchange; we have something million dollars in capital and then we are looking at \$5 million in maintenance for the overlays.

Commissioner Jankovsky - I can pull my budget book if you need me to.

Chairman Martin - We also wanted to do this master plan in reference to District 3 and all the haul routes and all the farm to market roads as well as the neighborhood roads that need to be addressed. Try to get heavy traffic off the ones there safety wise, etc. I think that's one, which will drive back to your budget book on the level of service and where we want to put our priorities but it's to still address those deferred maintenance issues. I'm looking at adding \$9 million plus what we have plus pulling some maybe possibly out of the fund balance to reduce that fund balance. The pitfall is can we get these projects done. In the past, we've always said this is how much money we have, let's go out and get them but we always see a return of money, we need to get them done. Jeff wants to spend about \$4 million dollars on Four Mile and what have you, is that part of the \$9.6 million that came back. The answer was no, we need to spend that; we need to get these projects done.

Drew - So safe instruction to this team is all budgeted amounts in capital and maintenance plus \$9.6 million, which was returned.

Chairman Martin - And then we'll review this.

Commissioner Jankovsky - I'd like to see the \$5 million we talked about in District 1, the \$500,000 in District 2, I'd like to see you guys come back with what we can do with energy partners on District 3 and at least \$5 million in District 3 or \$4 to \$5 million, so depending upon what we can get done with energy partners.

Chairman Martin - Then we have another issue we need to talk about Tom and that is the Airport in reference to the fiber optics, that's another issue out of road and bridge but it is something that we need to talk about.

Commissioner Jankovsky - That's a high prority but I think we need to find out who are partners are and somebody just needs to get on that and I think it's really because of 2013 project but somebody has to find out our partners and so we're not doing the

whole \$1.5 million dollars but we have partners from CMC in Rifle and possibly partners in businesses who are in that so somehow we have to say, here's x amount to go after a consultant or somebody that can bring that back to us. IT talking to Gary.

Chairman Martin - Probably put that project off on the administrator Gary IT folks and the Airport because they have their finger on what's going on out there. Then come back with a recommendation.

Commissioner Jankovsky - Una Bridge, I know we talk about Una Bridge all the time.

Randy - Is that FML still viable.

Chairman Martin - We don't know yet. What it amounts to is that Una Bridge has a 390 degree turn, it's a terrible bridge approach and even on the north side from the bridge to the new intersection that's terrible and we need to do something about share holders, that is a swamp at times, no drainage, mud on it all the time, coming out of the gravel pit. We need to address that.

Randy - There's a budget in there now for engineering.

Chairman Martin - We need to go forward with that.

Randy - That's going forward with the construction part.

Commissioner Jankovsky - We couldn't get it constructed this construction season anyway. That would be in 2013.

Chairman Martin - Then you need property acquisition as well along with that and we'll have to identify those partners.

Commissioner Samson - I need to get three things straight. One, Ray you're going to work on a meeting with everything and all that, I request we can hopefully have that meeting within the next 2-weeks, Drew you're going to work on a meeting so that concerning fiber optics with the Airport etc. The third point I was going to make I wouldn't count on to heavily on FML funds for Una Bridge. I'm just letting you know.

Drew - It's not picking up right where you left off; it's not in the county's interest to apply to the FML district for anything at this time. As your attorney this time, I would tell you it's not in your interest given the long-term goals and as a point of information in Senate Bill 12-31 has its second reading in the House today and should be law hopefully pretty soon.

Chairman Martin - If it makes it through the second reading and the governor signs it in 10-days it would be law, but it may lie on the desk for a while. There are other priorities they are looking at right now.

Commissioner Jankovsky - The other thing we are looking at is New Castle is going to come back and ask us for some money and so I don't know if that comes out of road and bridge fund or some other for the pedestrian bridge, their intersections. Where did we take out for Silt, where did that money come from?

Chairman Martin - For Silt, that came from oil and gas mitigation. That was for the infrastructure no one else would have money for etc and met our criteria on that. Again, Drew is right, if we are able to use our fund balance as well as our return money and budgeted money for these projects, we won't even talk to FML in reference to road project because we can't spend all of this right now but we need to work on all these projects. Fairgrounds is another issue we need to talk about, what are we going to do there, we've talked about it for a long time and we also wanted to work with the City of Rifle and the economic development folks to come up with an actual game plan of what a fairgrounds and events center and community center, all of that stuff in reference to a

convention center, how would that look, not that we would put it on the site that is there and not that we're going to talk off the present site to move it, what do we need and that would also show us how much money we'd like to invest in the present day fairgrounds unless it was safety oriented.

Commissioner Jankovsky - And that's not road and bridge fund, is that right.

Chairman Martin - It is or it can be.

Commissioner Jankovsky - Would that be capital.

Chairman Martin - It could be capital but it's still underneath the road and bridge folks.

Commissioner Jankovsky - Public works isn't it.

Drew - Yes, it's no longer, the fairgrounds is with your department of public works and facilities and not with road and bridge. Road and bridge is motor pool, road, and bridge.

Chairman Martin - It's still on our list here of things we're taking out and that's why I'm addressing it.

Commissioner Jankovsky - I'd really like to see road and bridge funds just for road and bridge and if we need fairgrounds funds then we take that from the capital or general funds.

Chairman Martin - I just wanted to address those issues but again it's contingent on the other meetings that we have. Got enough direction.

Commissioner Jankovsky - Ray, we didn't give you direction on District 3, we're asking you to come back and see what we can get from the energy companies and matching where and what we can do in matching type projects but I do think this, if we can cut 20-miles off a haul route, I think Divide Creek has to become a priority.

Chairman Martin - Put all that together and then our priorities will fall in place. We want to spend some money in that area.

Drew - Does anyone else here need any further direction?

Commissioner Jankovsky - The other thing is how quickly can we move on it and back to Jeff or Randy, how quickly can we move on some of these so we're not coming back next year and saying not that it's bad having \$10 million coming back but I think we want to get the projects done.

Jeff - The goal right now is take after we get more input from District 3 but take these, get engineers estimates on the ones we need and then the others that we know we can get out for bid within the next two months and the ultimate goal is to have them under construction by fall with current timelines for these added projects, not the existing ones that we already have out there. So the quickest we can see if probably equipment on the ground is late summer to fall.

Commissioner Jankovsky - How about some of these, is it like Wyatt had out here which are really, District 1 which are chip seal and that type of thing, can that happen quicker.

Deb - Yes.

Chairman Martin - We haven't talked about major projects.

Wyatt - We haven't put anything out to bid as far as projects so any of the stuff like Mike's he wants to do in Westbank, that could be all be done next year, no problems. Everything in mind, the two paving projects could be done this year, no problem.

Jeff - You've got to look at the maintenance.

Drew - I guess that is a request to the general foreman is to try to categorize these into the ones that can be bid immediately or close to immediately and then the ones that

take more time to engineer obviously take that time to do it right, but the goal again is to get road and bridge funds spent on our roads responsibility and promptly.

Chairman Martin - So you're going to have another foreman's meeting and put everything together so what can go out and then you'll have to get with Jamaica and Gene I guess and see the new boss on that and get everything out to bid as soon as possible.

Commissioner Jankovsky - We are hitting on construction season right now and if we can get these things out earlier I think we might be able to get better bids on them as opposed to the fall.

Chairman Martin - Again, back to change of policies, get everything done at budget time, priorities and everything, putting everything out to bid by January when funds are available at that time. I think that will help a lot. Make our construction time a long longer.

Commissioner Jankovsky - This is exciting stuff.

Chairman Martin – You've been quiet, we beat up on your area, do you have anything to say.

Commissioner Samson - I have my ways of getting it done.

Commissioner Jankovsky - You do Commissioner Samson there's no doubt about that. Quietly gets everything done.

Chairman Martin - Thank you guys, we have a lot of faith in you.

Commissioner Samson - Thank you for all the work you're doing.

**vi. Review of the Applicants for the County Manager - Phil McKenney & Katherine Ross**

Katherine submitted the list of applicants for the County Manager position to the Board.

**c. Board of Health:**

**i. Contract with Colorado Mesa University**

Attachment Colorado Mesa University

Mary Meisner explained the contract with Colorado Mesa University to allow students to have experience in public health; we work closely with the university. This is a renewed contract due to the name change.

Kate Johnson - The new contract it to change the organizations name change.

A motion was made by Commissioner Samson - I would move that we contract with Colorado Mesa University as presented.

**MOTION**

Commissioner  
Mike Samson

**SECONDER**

Commissioner  
Tom Jankovsky

**VOTE**

UNA by roll call vote

**ii. Contract with HCPF Child Health Plan Plus**

Attachment HCPF Child Health Plan

Kate Johnson will bring this back.

**ii. Program Updates**

Mary gave the update.  
Chairman Martin was present for the 2 1/2 hour discussion.

4. County Attorney Update: Andrew Gorgey
- vi. Review of the Applicants for the County Manager - Phil McKenney & Katherine Ross
5. Executive Session
- a. Executive Session: Upon the affirmative vote of two-thirds of the Commissioners, the Board will adjourn to executive session pursuant to C.R.S. §§ 24-6-402(4)(a), (b) and (e) to confer with its attorney for the purpose of receiving legal advice on a specific legal question regarding real property and instructions concerning negotiations regarding real property -one transaction. Possible public action to follow.
- b. Upon the affirmative vote of two-thirds of the commissioners, the Board will adjourn to executive session pursuant to §§24-6-402 (3.5), (4)(c), (4)(e), (4)(f)(II), and (4)(g), C.R.S. to confer with its attorney for the purpose of considering matters required to be kept confidential by law and documents which are not "public records," and providing instructions to negotiators regarding the County Manager position

Drew - The matters are to be kept confidential include the applications and related materials of applications that are deemed by the BOCC as finalists. Your contracted executive search from Peckman and McKenney has presented to you a list of all of the applicants but the accompanying materials of 7 persons deemed by them to be worthy of consideration by you as finalists.

Katherine Ross and Phil McKenney presented the proposal.

#### **Review of Applicants for the County Manager - Phil McKenney and Katherine Ross**

A motion was made by Commissioner Jankovsky - I will make a motion to go into executive session for reasons that we are presented by our County Attorney regarding the County Manager's position and our contact employee.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

Chairman Martin - Do we have a motion to come out of executive session?  
A motion was made by Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

#### **Discussion**

Drew - First to make a record the numbering system is simply to maintain amenity and simply to maintain and comply with state law and to ensure the applications of those who are not finalist are maintained as confidential and that is the exclusive purpose of the numbering system. Based on the secret ballot, which you have provided, which are public record, these are the 6 persons to receive at least 2 votes from the three of you. Number 2, Number 4, Number 35, Number 44, Number 46 and Number 52. The record should reflect those are the candidates who received at least 2 votes pursuant to the secret ballot and that your ballots were not uniform.

Chairman Martin - Upon confirmation that we have candidates we can announce.

Drew - This is still direction to staff and you did just vote on the record, it's just a secret ballot. Tomorrow you will make the motion ratifying your action of today.

### **LUNCH - Noon**

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

Janet Testwead - 2811 CR 151, Gypsum/Sweetwater regarding road repairs on CR 151. This is forgotten stepchild of Garfield County over in Sweetwater.

Chairman Martin - No, we just talked about that today. Your section is still in the shade of the trees.

### **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

#### **1. Flaming Gorge Pipeline update - Mike Finley**

Attachment Flaming Gorge

Mike Finley - Flaming Gorge Pipeline Update was presented in a draft resolution and this discussed indepth.

The Commissioners decided to postpone making a decision on the Resolution until The Special Meeting on March 20.

Commissioner Samson - I strongly urge that you vote for it.

A motion was made by Commissioner Samson - I would move that we continue this until tomorrow and at that, hopefully we will pass this resolution in the form that our attorney's will draft representing Garfield County's unique position on it.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

#### **2. County Attorney Update - Land Use Issues: Andrew Gorgey**

#### **3. Public Hearings:**

##### **a. Consider a Request for a Limited Impact Review for a Land Use Change Permit for a Communication Facility - Telecommunication Tower located off of County Road 319, approximately 5.4 miles southeast of the City of Rifle. The Applicant is Benzel Land LLLP in conjunction with Encana Oil and Gas (USA) Inc. - Glenn Hartmann**

attachment Benzel HunterMesaTower application



#### [attachment Benzel HunterMesaTower Staff Report](#)

Mike Marcus with Olsson and Associates and Fred Byers representing EnCana. Glenn Hartman from Building and Planning, Carey Cagnon and Drew Gorgey from the County Attorney's office.

Carey determined notice was adequate, timely and proper documents were submitted. She advised the Commissioners they could proceed.

Chairman Martin swore in the speakers.

Glenn Hartman submitted Exhibits A - P.

Chairman Martin entered these into the record.

Glenn presented his staff report and provided a power point.

Mark - We appreciate Commissioner Jankovsky's consideration of making that an amendment regarding that condition.

A motion was made by Commissioner Jankovsky - I would make a motion that we approve a Land Use Change permit for a Communication Facility Telecommunication Tower located off County Road 319, approximately 5.4 miles southeast of the City of Rifle with the applicant being Benzel Land LLLP in conjunction with Encana Oil and Gas (USA) Inc. and that we request that the conditions of approval and the staff's recommendations Number 1 - 9.

Drew stated Commissioner Jankovsky eliminated Condition 3.

Fred stated they did not request a waiver or foundation to put forward.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

#### **[4. To consider comments to the Bureau of Land Management regarding the Environmental Impact Statement \(EIS\) regarding the Greater Sage-Grouse and its habitat - Fred Jarman](#)**

##### [Attachment BLM Sage Grouse Letter Draft](#)

Drew introduced the sage grouse draft letter.

Fred Jarman submitted the corrections as the Board directed.

The Commissioner discussed this letter, made some corrections and requested Fred bring it back at the Special Meeting tomorrow, March 20 so it can be forwarded to BLM.

#### **COMMISSIONER ISSUES**

##### **[a. Commissioner Reports](#)**

##### **[b. Commissioner Calendars](#)**

Commissioner Jankovsky - After the meeting I am going to Parachute to a book signing at the Parachute Library it's someone from Palisade that wrote a book that Richard Doran sent out. I have a meeting on the 21st at 10 a.m. with Drew on GNC vehicles and Deb and Matt, I'm at the Grand River Hospital all three of us on that 12 noon to 5 p.m., then I'm involved with Fred and Tamra with a procurement overview for the Land Use

Consultant for the Citizens Land Use Committee, it's not citizens anymore, it's called the land Use Code Committee; talk a little bit about our Oil Shale meeting on the 27th that 10 a.m. to 2:00 p.m. in Vernal, Utah. Looks like there's going to be quite a few counties there and I don't know, it's about a 3-hour drive so go over and drive back. Let's meet in Rifle at 6 a.m. at the Airport and I think Kirby is going as well so we need a large vehicle.

Commissioner Samson volunteered to arrange that vehicle.

Commissioner Jankovsky - I think that's going to be a very animated possibly meeting many concerns from many counties and I hope that we can come up with some sort of joint statement on what's going on with this BLM.

Drew - That meeting will need to be noticed and treat it as a work session. You won't make any policy decisions, commit any budget, or take any action.

Commissioner Jankovsky - We may bring back some policy decisions to talk about later.

Commissioner Samson - Add to those is 1:30 p.m. Thursday we have a Communications Board meeting and then that night at 6:30 I have the Regional Fire meeting. I don't know if it's necessary for you to come to the fire meeting, Drew. The main reason for you to be there was to cover when I had to go to New Castle but number two was the legalities of the Regional Fire Authority, the IGA.

Drew - The posture of the project is the municipalities and fire districts who are contemplating forming a regional fire authority first need to finalize the MOU and they are working cooperatively without an agreement but they may well produce that to writing. Whether they do or not the next step would be to draft an IGA that explains in detail how all of the personnel and assets, responsibilities for fire protection would be merged in the authority which is more complicated than it might sound to name one example, they have four different retirement and seniority systems to merge in a fair way going forward. They are in very good hands in terms of counsel, they hired an independent counsel to advise all four of them and then the City of Glenwood for example would rely on the City Attorney and all the way through with the other groups. The counties role as I understood it and this was not presented as any kind of formal request, that was just put on our radar is that there are geography's within the county that fall outside of the responsibility of fire protection districts and in some cases these are subdivision, not one farm house out on 20 acres, this is multiple houses close together and independent of that there are pockets of assets that is there is a fire ultimately the bill could come to the county, certain public resources and things like that. I'll leave that out, those entities can speak for themselves and bring that to you more formally that's one thing that came out of the meeting. They were grateful that we were there and sort of as the show of support and umbrella interested in the health, safety and welfare with respect to fire.

Commissioner Samson - FLM district meeting last week, last Thursday we met and nothing was finalized other than waiting for the Bill to be signed but once it is we are diligently working through, Drew is doing an excellent job along with Eric Schmela taking the lead and getting everything put together for requirements, selection criteria, all the legalities that will be necessary once that is formed and taking care of. We're shooting for a meeting on Tuesday the 24th of April that we could have in this chambers here.

Drew - That depends, the date on that was April 11.

Commissioner Samson - The main thing we are shooting for is the 24th we will have an informational meeting here and we will then invite everyone and anyone who is interested in FML funds to come so we could explain it and by the 11th we will finalize our website and get that up and running so everybody can look at that, take a look at everything so on the 24th they are ready to ask good questions.

Drew - Correct, and the only reason the 24th wouldn't happen is if some reason they wanted to do refinement of the grant program and criteria. What happens after the 24th is you'll have applicants about a month to submit applications for funding and then the Board would take about a month to decide, give or take, depending on how technical the application etc. The goal is to get that money into the community as soon as possible and to shape the district to do a twice a year grant cycle going forward.

Commissioner Samson - We need to get through the first year and get things more permanent. Right now, we're just trying to get everything down.

Chairman Martin - When is the scheduled payment to be received by the district in Colorado, September or October.

Drew - They always shoot for August but the district receives its payment this year on September 8 or 9 for last year.

Chairman Martin - I'm looking at how many days we have for the process and the applications to out and you go into the grant process. At the end of August and September, you'll have doubled the money that's in there, that what I was looking at.

Drew - That money, the 2011 distribution and the majority of it, the district board is planning to distribute the majority of that before they get the next distribution. We won't hold off and double it. That was directly discussed and it's to keep those funds cycling through and things that might delay it or matching requirements or proof of matching requirements whether the project is ready or not, the district board is considering a micro grant program, the statute is passed would allow for loans, no discussion about a loan program yet, got to get good about giving away managing this as grants first.

You're spot on here; the future we think will be an application process every August a review of applications every September with an award on or around October for the fall cycle. The spring cycle, applications would be received in February and decided on in March with a release date of April. April and September are 6-months apart. If it doesn't wind up to be exactly that, it will something similar.

Chairman Martin - The board is also thinking about a small portion for fund balance just for emergencies or hardships, etc.

Drew - Well and for saved work projects and I will tell you this is very fiscally responsible group only a week ago did they start meeting in office space, it's been sort of a moveable endeavor until now using space at CMC the executive session room, the BOCC room and now they have a permanent location on Colorado Avenue. They have no full time professional staff, it's been a very responsible start and I think that business mindset, the non-governmental mind set with all due respect is what you should see going forward.

Commissioner Samson - If you would like a tour of our luxuriously office I would be glad to give it to you.

Drew - You have to go one at a time.

Chairman Martin - Mr. Samson is part of that board so I want to make sure he doesn't spend all of Tom's money. It's a good program and hopefully it will be very successful. Drew - Presuming the Bill passes and the amendment, detail is worked out in the Senate and then the Bill is signed, you'll have a resolution before you immediately to implement that locally and I'm sure we'll share our resolution with any other counties that would need it. Another question not related to FMLA but tomorrow's agenda. The County is required to have an ADA Compliance Officer I did not whether you had a preference or not. That logically would vest within the Public Works and Facilities and that's who we'll recommend to you tomorrow. That had been at the Assistant County Manager level so we are required to name that and we'll do that more or less at the earliest opportunity tomorrow.

- c. **Approval of Minutes**
- d. **Commissioner Agenda Items**

## **ADJOURNMENT**

### **March 20, 2012 PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

#### **ROLL CALL PLEDGE OF ALLEGIANCE INVOCATION**

#### **1. Announcement of Garfield County Manager Finalists, Interview & Selection Process**

##### **Attachment County Manager Finalists**

Katherine Ross - There are 5 finalists who have agreed to go public. We have the paperwork and they are Richard Bellis, Deputy County Manager from Taos County, NM; Lyndy Boswell, International Local Government Consultant, QED LLC and Mercy Corps International, Leavenworth, KS; Tomas Stewart, former County Manager, Lincoln County, NM; Ronald Teck, International Operations, El Paso County, former Colorado State Senator and Mesa County Assessor and James Wilson, Interim Director of Finance, City of Altus, OK. She explained the interviewing process. The County will host a reception for the finalists in the afternoon and evening of March 29 from 4:00 p.m. to 6:30 p.m. in the Commissioners Hearing Room in Glenwood Springs. The public and all employees are encouraged to attend, talk with each finalist face-to-face, and complete a feedback form.

Last, the Board of County Commissioners will convene in executive session on March 30 to interview each finalist considering the feedback from each of the first two rounds, and they expect to announce their decision in early April. Applications of finalists are public record under the Colorado Open Records Act and are available for inspection through the County.

#### **2. Proclamation for Child Abuse Prevention - Garfield County Sheriff's Office**

Megan Allstat, Detective & Deputy Sheriff; I work with child abuse and crimes. She explained what this is about and submitted the Resolution Proclaiming Child Abuse Prevention Month for April. There will be a planting a pinwheel garden and Gail Enby will be the speaker. The event will be held at the Sheriffs Annex in Rifle on April 5 at 4:00 p.m.

#### **Motion**

A motion was made by Commissioner Jankovsky - I would make a motion that we proclaim April as the Child Abuse Prevention Month. Commissioner Samson - Second. Chairman Martin - All in favor. Jankovsky - aye Samson - aye Martin - aye

### **3. Appointment of ADA Compliance Officer**

Drew - To be compliant with state law not employment law of the legislation, the Board needs to appoint an ADA Compliant officer. It is our recommendation that be the Director of Public Works, Betsy Suerth. She is the one in charge of facilities and has access to the County owned facilities.

Commissioner Jankovsky - Agreed.

Betsy Suerth – Is the ADA Compliant Officer.

#### **Motion**

A motion was made by Commissioner Jankovsky - I will make a motion that we appoint Betsy Suerth, Public Works Director as ADA Complaint Officer.

Commissioner Samson - Second.

Chairman Martin - All in favor. Jankovsky - aye Martin - aye Samson - aye

### **4. Other Business, Direction to Staff**

#### **a. Authorize the Chairman to sign the letter to the BLM regarding the County participation in the preparation of the BLM Environmental Impact Statement for the Greater Sage-Grouse and its habitat - Fred Jarman**

Fred Jarman stated he has completed the edits.

The Commissioners discussed this indepth and added some additional updates.

Continued for the corrections.

#### **b. Resolution opposing proposed Flaming Gorge Pipeline - Mike Findley**

Drew - Yesterday we had a draft of a Resolution opposing the Flaming Gorge Pipeline. I have edited that and you should have copies, if you don't I have some additional.

#### **Discussion**

Commissioner Jankovsky - I'd like to reiterate before we do this, I'm going to abstain from this vote and I actually and philosophically believe in opposing this but I also have a philosophical duty to see both sides before I have a Resolution. I've seen so much in this county watching other government bodies making resolutions without having both sides, that's my position. I just wanted to have that on public record and let my other two Commissioners know that.

Chairman Martin - Is there a timeline when this needs to be passed or not passed?

Drew - No that was a request yesterday from the speaker to consider this. I prepared a Resolution for your consideration, you can pass it, modify it, turn it down, you can delay

this until some day in the future, and we can get it back on the agenda at your opportunity.

Commissioner Jankovsky - I guess for me to vote I would like to have a proponent in front of us as well. That will probably not change my opinion but I would have least heard both sides of the story.

Chairman Martin - All right. Mike, did you take this to AGNC and then ask Mr. Finley to come here.

Commissioner Samson - He called me and I said let's get him on the agenda. I feel this is not a good thing for Colorado. I think he was very well prepared and gave a truthful assessment of what this is. I don't think this is good for the state of Colorado and I don't think it is good for Garfield County. He was very persuasive in my opinion and if you look at some of these things whereas because of its enormous size, the Flaming Gorge Pipeline would increase the risk of a compact call on the Colorado River, what a disaster that could be, I don't know that it's so important that it has to be passed today if Tom wants to get someone to come and talk to us so we could hear both sides I don't have a problem with it but I think it pretty well speaks for itself.

Chairman Martin - If you would like to make a motion to approve this, deny this or to table this to a date certain you have the floor.

Commissioner Jankovsky - I would ask Commissioner Samson to make a motion and I will second that and have discussion.

A motion was made by Commissioner Samson – I would move to continue this discussion until a date when Dave Merritt could be here to present the Colorado River Districts opinion. Commissioner Jankovsky – Second.

In favor: Jankovsky – aye Martin – aye Samson - aye

**a. Authorize the Chairman to sign the letter to the BLM regarding the County participation in the preparation of the BLM Environmental Impact Statement for the Greater Sage-Grouse and its habitat - Fred Jarman**

Drew - Item 4a and this is continued from yesterday's meeting, the original letter from yesterday. The EIS and the Greater Sage-Grouse statement.

Chairman Martin - Fred you had edits from yesterday.

Fred – Yes.

The Board discussed this item indepth and added a few more edits.

Chairman Martin - So with the corrections I need a motion.

**Motion**

A motion was made by Commissioner Samson - I would so move. Commissioner Jankovsky – Second. All in favor: Jankovsky - aye Martin - aye Samson - aye

**ADJOURNMENT**

**March 29, 2012  
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

## **GARFIELD COUNTY MANAGER INTERVIEWS**

The following were interviewed:

Richard Bellis, Lynda Boswell, Thomas Stewart, Ronald Teck and James Wilson.

**1. 8-8:45 AM Interview with Richard Bellis, Deputy County Manager, County Planning Director, Taos County, NM**

Katherine Ross, Carey Cagnon, Jean Alberico, Lou Vallario, Georgia Chamberlain, Lisa Warder for Jim Yellico and Drew Gorgey present.

**a. 8:45-9:00 AM Public Interview Questions**

**b. 9:00-9:15 AM Break**

**2. 9:15-10:00 AM Interview with Lynda Boswell, International Local Government Consultant, QED LLC, and Mercy Corps International, KS**

**a. 10:00-10:15 AM Public Interview Questions**

**b. 10:15-10:30 AM Break**

**3. 10:30-11:15 AM Interview with Thomas Stewart, Former County Manager, Lincoln County, NM**

**a. 11:15-11:30 AM Public Interview Questions**

**b. 11:30-11:45 AM Break**

**4. LUNCH BREAK 11:45 AM - 12:45 PM**

**5. 12:45-1:30 PM Interview with Ronald Teck, Intergovernmental Operations Officer, El Paso County, CO, former Colorado State Senator and Mesa County Assessor**

**a. 1:30-1:45 PM Public Interview Questions**

**b. 1:45-2:00 PM Break**

**6. 2:00-2:45 PM Interview with James Wilson, Interim Director of Finance, City of Altus, OK**

**a. 2:45-3:00 PM Public Interview Questions**

7. **4:00-6:30 PM Public Reception - Elected Officials, employees and the public are invited to attend.**

*March 30, 2012*

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**1. Public Meeting:**

- a. Interview of the Applicants for the County Manager - Phil McKenney & Andrew Gorgey**

Phil McKenney, Katherine Ross, Drew Gorgey and the Commissioners were present. Katherine stated we have feedback and Phil will review those comments.

Phil stated we had two phases of a three phase interviewing process yesterday and we are moving into the third phase today where the candidates met with you specifically.

We have a schedule that we can shift accordingly as we move through the day.

Chairman Martin - Katherine, any report of the process last night and anything forward to you to us.

Katherine - We do have feedback from yesterday's interviews and we have them in two separate packs. Phil is reviewing to make sure it is objective and he will summarize that for the Board. There were panel interviews yesterday and feedback from that, he will provide you a summary with that, and he will provide you with a summary of that towards the end of your interviewing process today. We have the feedback from yesterday's public and Phil will provide you a summary of that.

Chairman Martin - The panel yesterday was elected officials and representatives as well as our staff.

Katherine - Yesterday was an all day process starting at 8 a.m. and ending at 3 pm, the elected officials, and the Acting County Manager asked pre-determined questions and took notes from that with each finalists. Then summarized their comments on a special comments form. There was an hour break and then from 4 pm to 6:30 pm., there was an open session and reception for any members of the public and several members of the staff appeared. I would say that 2/3rds were staff and 1/3 were public and they spoke with each of the finalists in a very informal setting and asked questions. The finalists at that time had the ability to ask questions of whether it was Jean, other elected officials or me. It went very smoothly.

Commissioner Jankovsky - Thank you for the reception, it was very well planned and staff did a good job. It was nice to see staff here.

Jean - I really appreciate the openness of the process and I think that you'll probably be getting more comments from citizens that watched and staff who listened. It was a very open process.



Commissioner Samson - A comment before going into executive session. In light of all the materials, Phil's notes, all the feedback that we're going to get from various members of the community, staff etc plus what we're going to be getting today in our interviews, I want to announce for myself and hope you two will agree that we will not be making the decision today and I would like to have it scheduled for the last item on the agenda for Monday, April 2, 2012 that we have that placed there. There is not a 100% guarantee that we might reach a decision then. I think we need to schedule it for them and talk about it. If we come to a decision there, but if not we will take longer.

Drew - You could move to do that now. You simply have not been provided with the feedback from yesterday, it's simply not possible for you to review that. You're interviewing all day to day and so the cleanest way is a motion and it is simply direction to staff if we ever a time it calls for formality, this is probably it. So, if you would simply make a motion to continue the deliberation on the selection of the County Manager to the last item of business on Monday, April 2 with the understanding that it may be continued again should you need more time.

Commissioner Samson - I would so move.

MOTION

Commissioner  
Samson

SECONDER

Commissioner  
Jankovsky

VOTE

UNA by roll call vote

## **2. Executive Session**

- a. **Upon the affirmative vote of two-thirds of the commissioners, and consent as required by law, the Board will adjourn to executive session pursuant to §§24-6-402 (3.5) and (4)(f)(I), C.R.S. for personnel matters pertaining to the County Manager position. In addition, pursuant to §24-6-402 (4)(b), C.R.S. the Board may confer with its attorney for the purpose of receiving legal advice on specific legal questions should such questions arise during the personnel matters.**

I believe the need to talk to me is low and we will put that in there as a protection to you in case you did. Section 3.5 deals with executive searches pertaining to chief executive officers, in this case County Manager and 4.F1 deals with the personal matters. The reason this announcement includes the consent phase is if you rely on Section 4.F1 to go into executive session, you would require the consent of the person who is the subject of the personnel matter. Yesterday we obtained written consent to executive session forms for all of the finalists, James Wilson, Lynda Boswell, Thomas Stewart, Ronald Teck and Richard Bellis. I am tendering all five of those to the Clerk and Recorder now. All have consented to be interviewed in executive session. The Open Meeting Law is clearly states that you can adjourn to executive session for these stated purposes. I am relying on several sections of the act in making that recommendation to you and that advice. The first is a reading, when you read a statute, you read all of its parts, and you have to read them in a way that makes sense. One prohibition says executive session cannot be used to fill the office or a local public body or to fill an

elected office. The same statute states it is a local public body does not include the administrative position of County Manager. The suggestion is although you are prohibited from using an executive session to fill an office or to fill an elected official, County Manager is expressively carved out of that, the suggestion being you can go in there and talk about County Manager. Better evidence is in subsection 3.5 that expressively references executive sessions as proper for the selection of County Manager. Why am I going through all of this, the issue is that executive sessions do place certain limits on you as the Board of County Commissioners and it states that you cannot adopt any proposed policy, any proposed position, any resolution, rule or take any formal action in executive session. There is a split opinion on this, I'm certain in tell you that the question and answer exchange between you and these candidates if proper for executive session. I simply don't think there is an argument for that from any corner. Whatever else you do back there is subject to debate. You are prohibited from taking a position, you're prohibited from taking formal action but is it possible for you to say things that are not question and answer interview and fall short of taking a position or taking formal action - Yes. I don't know quite what that may be. You have five candidates and I'm not referring to their interview or assigning them letters now. But say you have candidates A - E, if at the conclusion of your interview, you say individually I liked C and Commissioner number 2 says I like C but I also liked B and if the third Commissioner says I liked B but I also liked E the best, then you could have been expressing individual preferences without taking a position as a Board or without taking any formal action. My first advice is you want to stay completely out of that debate and discussion, stop the tape with the last answer to the last question and discuss nothing else. That is the safest course. In fact, today you'll be starting and stopping the tape five times, because you have five interviewees and you will have breaks in-between. For this record, the current schedule is from 8 to 9 for James Wilson, 9:15 to 10:15 for Ronald Teck, from 10:30 to 11:30 Thomas Stewart, then a break and a lunch break and you would resume at 12:45 pm with Lynda Boswell and then from 2:00 to 3:00 Richard Bellis. The schedule can be adjusted or started later because of these instructions. The safest course would be question and answer and don't state any preference and save all of that for the record. Some argued that the entire deliberative process should be conducted in public. Absent express statement in the statute, in the cases that interpret it, this is open to discussion and it is something that stops short of taking a position and taking formal action that is tied to the interview process that's proper back there. It's just open to debate where that starts and stops. Any questions about that?

Chairman Martin - No questions.

Commissioner Jankovsky - I do and that is we may select a candidate but a candidate may not select us and we also may want to check references in more detail and ask Phil to help us with that, so I think there has to be some process to be able to do that. That's my concern.

Drew - At this point in the process when you get down to your preferred candidate of this group, you probably can adjourn to executive session to instruct this negotiator to talk to that candidate. We're far enough; there was an objection in the press earlier on when we relied on that in the first steps that was inappropriate. Well, using their argument you are not there anymore. I would suggest crossing that bridge when you come to it. The next step would happen in public session is first a motion this afternoon

when you come out of executive session and then on Monday, April 2 or whatever day you do it, deliberations in public and then instructions to the negotiator with the understanding that it is not final until both sides agree on contract terms and that's approved by both sides.

Commissioner Samson - Will it be necessary for us to come before lunch out of executive session, go to lunch and then come back and go back into executive session.

Drew - I don't think so, I think you are going in now and you're coming out sometime after 3 pm with the understanding that you are going to be starting and stopping this tape at the end of your interview questions and that the tape would speak for itself should it ever be in question. We probably want to make a record of that in fact what happened.

Chairman Martin - And with the instruction that we don't deliberate or talk about this item outside of executive session meaning on our breaks etc.

Drew - That is true and we stated the two rounds of interviews yesterday generated information that is advisory to you. The individual comment forms are not public records, they are sensitized as recommendations to you from your consultant and it is not a public record. It is advisory and work product to you in my opinion and they are used to help you as elected officials make decisions and there are other statutory protections as well.

Chairman Martin - With all that caution and instruction we need a motion to go into Executive Session.

Commissioner Samson I move that we go into executive session at this time to interview the five finalists and hopefully we'll be done around 3 o'clock this afternoon.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Samson	Commissioner Jankovsky	UNA by roll call vote

### **3. Return to Special Meeting**

Do we have a motion to come out of executive session?

Commissioner Samson - I would move that we come out of executive session.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Samson	Commissioner Jankovsky	UNA by roll call vote

Chairman Martin - Action has been taken and executive session was for interviews, etc and no decision was made and that we also prior to going into executive session had a motion to continue any deliberation until Monday.

Drew - We gave instruction to staff to add that as an addendum item. There was a warning to the public that you may need more time beyond Monday.

Chairman Martin - Phil, anything that you would like to say on the record at this time.

Drew - I have nothing. If not yet you will be provided with the feedback from all the participants from the first two rounds and those documents are in written form and are advisory to you, they are not public records and you can use them in making your decision but as you have just told the public you will deliberate on the record on Monday and going forward. In terms of the mechanics of how to instruct, it simply depends on how you deliberate and whether you have additional questions and need any further advice.

## **ADJOURNMENT**

**April 2, 2012**

### **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

#### **ROLL CALL**

#### **PLEDGE OF ALLEGIANCE**

#### **INVOCATION**

#### **PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA - 8:05 a.m.**

#### **REGULAR WORK SESSION:**

##### **1. County Sheriff Update: Lou Vallario**

Lou - I have three brief things, first thank you for being able to participate in the interviewing of the County Manager position. That was very considerate.

Second, the fire danger is upon us with red flag warnings all over the state. This is a bad year for fires; I'd like to caution people about brush fires, campfires and fireworks.

Third is the Child Abuse Prevention Ceremony at the Sheriff's office. We will have a Pinwheel Garden and encourage people to place pinwheels on their fences and in their yards. This month is dedicated to Child Abuse Prevention. This event will be held on Thursday at 4:00 p.m. at the Sheriff's Annex in Rifle.

##### **4. County Attorney Update: Andrew Gorgey**

##### **2. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**

##### **a. Approve Bills**

- b. **Changes to Prior Warrant List**
- c. **Interfund Reimbursement Request**
- d. **Authorize Chair to execute Lease with Coroner and Holt Family Funeral Home, Inc. - Jamaica Watts**

[Attachment Lease Holt Family Funeral Home Inc](#)

- e. **Wire Transfer: Redemption of COPS Series 2001**
- f. **Authorize the Chairman to sign a resolution of approval for a Limited Impact Review for a Communication Facility - Telecommunication Tower at the Hunter Mesa - Encana Site, located approximately 5.4 miles southeast of the City of Rifle off of County Road 319. The Applicant is Benzel Land LLLP in conjunction with Encana Oil and Gas (USA) Inc. - Glenn Hartmann**

[Attachment Resolution Benzel Land LLLP](#)

- g. **Liquor License Renewal for Rifle Fireside Lanes located at 0023 Hwy 325, Rifle**

[ATTACHMENT TRIGGER BOWLING LLC LIQUOR LICENSE](#)

- h. **Liquor License Renewal for J Thomas Schmidt & Co dba Ironbridge Club located at 1007 Westbank Road, Glenwood Springs**

[ATTACHMENT J. THOMAS SCHMIDT & CO LIQUOR LICENSE](#)

A motion was made by Commissioner Samson - I would move that we approve the Consent Agenda as listed and authorize the Chair to sign those that need to be signed by him.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

### **3. County Manager Update**

#### **a. Public Meetings:**

- i. Energy Innovation Center (aka West UMTRA) Infrastructure Funding Request - Matt Sturgeon, John Hier & Jay Miller**

[Attachment UMTRA](#)

Matt Sturgeon, John Hier and Jay Miller were present and presented the development of the Energy Innovation Center (EIC) aka west UMTRA site in Rifle.

A motion was made by Commissioner Samson - I move we to grant the request from the City of Rifle for the Energy Innovation Center aka West UMTRA site infrastructure funding for an amount of \$700,000 and the direction to prepare the IGA.

Discussion

Drew - I would just add that you are treating this municipality identically to the way you are treating Silt and anyone else. What I mean by that is the request for funding will be done on paid invoices as the reimbursement model and not an advancement of funds in a blank check.

Commissioner Jankovsky - I do want to make sure that \$170,000 commitment is in there as well.

Drew - Have that be first that you don't release a dollar until they've spent \$170,000.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**Co-Mingling Bin on the UMTRA site in Rifle**

Commissioner Samson – The recycling bins.

Drew gave an update.

**ii. Rifle Rendezvous request for funds - Gabe Chenoweth & Ron Milhorn**

Gabe Chenoweth and Ron Milhorn present.

Chairman Martin - We have a request in front of us for \$50,000 for advertising and marketing for KMTS to sponsor a concert for the Rifle Rendezvous.

Chairman Martin - Let's do a 7-day continuance until April 9.

**iii. CMC Scholarship request - Sue Daley & Carol Efting**

Sue Daley, Regional Development Officer for West Garfield County for Colorado Mountain College Foundation and Carol Efting Scholarship Manager for Colorado Mountain College presented handouts to the Board.

A motion was made by Commissioner Samson - I would move that we grant out of the Commissioners Discretionary funds the amount of \$2500 to be paid to Colorado Mountain College for a scholarship request concerning non-traditional student.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**iv. Consideration of a Letter of Intent to Eagle Valley Clean Energy, LLC for Garfield County Landfill Biomass collection - Dean Rostrom**

**Attachment Eagle Valley Clean Energy**

John Homering - Eagle Valley Clean Energy presented a handout that fully explained what he was requesting. Today we are requesting a letter of support to express the interest that Eagle Valley Clean Energy LLC (EVCE) has in acquiring rights to the woody biomass waste referred in this handout.

A motion was made by Commissioner Jankovsky - I will move that we provide a letter of support to Eagle Valley Clean Energy LLC for use of Biomass product from Garfield County Landfill.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

## Discussion

Betsy - Just to follow up on the process forward, the County Attorney's office will draft a letter of support and send it directly or will it get back to the Board.

Chairman Martin - We will be bringing it back to the board for our authorization.

Drew - Yes, it does not have to be agenized again for the letter of support, if you advance beyond that to an agreement it will be agenized.

Chairman Martin - All that legislation from the federal level to the state may be paying off it has been a long time.

John H - Yes, they are getting ready to up to 1000 acre per year for 10-years with stewardship agreements, that's with the White River National Forest, and that will start the ball rolling.

Chairman Martin - I think we started on that 8 to 10-years ago and finally have things rolling and you guys are in business after 8-years.

### vi. Consideration of the use of the County's Glenwood Springs Courthouse lawn to promote early childhood awareness - Dana Damm & Amelia Dress Attachment Courthouse use

Dana Damm and Amelia Dress presented the request.

A motion was made by Commissioner Jankovsky – I will move we approve the request to use the County Courthouse lawn to promote early childhood awareness as long as you've made all arrangements with the City of Glenwood Springs.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### vi. Request for funding of a Regional TOD Assessment - David Johnson, RFTA

#### Attachment RFTA TOD Assessment Funding Request

David Johnson from RFTA presented a funding request for \$2500 contribution from Garfield County.

A motion was made by Commissioner Jankovsky – I move we approve the request from RFTA for the funding on a regional TOD, which is Transit Oriented Development at each of RFTA's main nine main BRT boarding locations for the amount of \$2500 and that to be drawn from the Commissioner's Discretionary Funds.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

## Discussion

Commissioner Samson - A question, has Eagle, Pitkin and the other municipalities listed there already committed.

David - Aspen, Basalt and Eagle is going through their process and I haven't heard back from the City of Glenwood. Carbondale said not this year but I need to get back to them because I asked for money for next year 2013 so I need to clarify with them what they mean by not this year and can work out something. Pitkin County I have not heard back, they are going through the process.

Chairman Martin - I don't see any problem in assisting in finding the right location and this is also on the Rapid Transit to the BRT, the new approved version.

Commissioner Jankovsky - We'd have to decide where the funds would come from, out of grant funds or...

Chairman Martin - Discretionary dollars I would think.

**vii. Renewal of IGA with RFTA for GOCO Mini-Grant for Rio Grande Trail Improvements - Tamra Allen**  
**Attachment RFTA IGA GOCO**

Tamra Allen presented an IGA renewal for the Board to consider this morning. RFTA requires an IGA to be signed to acknowledge the relationship and the original IGA expired as of 12-31-2011.

A motion was made by Commissioner Jankovsky – I would move to approve renewal of the IGA with RFTA for the GOCO Mini-Grant for Rio Grande Trail Improvements as presented and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

**viii. Airport Master Plan Consultant review and approval - Brian Condie**  
**Attachment Airport Consultant**

Brian Condie - Airport Director presented the request for the Airport Master Planning, The selection committee selected JVIATION.

A motion by Commissioner Jankovsky – I move to accept the recommendation of the award committee to continue the consultant selection process with Jviation.

**Discussion**

Chairman Martin - Drew do you have anything to add.

Drew - No, this was a very competitive process; you have expert staff in-house that put a series of detailed relevant questions to all of the firms that participated. This was extremely close and I'm confident this is a good recommendation to you. For anyone who wonders why we are planning again, I'm told the last Master Plan is about 10-years old and revised in 2006 so now that you have the asphalt and infrastructure done it's time to concentrate on how best to utilize that for all our citizens.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	



**x. Consideration/approval of IGA for Mosquito Control - Steve Anthony**  
**Attachment IGA Mosquito**

Steve Anthony presented a 9<sup>th</sup> year draft IGA with the municipalities.

A motion was by Commissioner Jankovsky to approve the Mosquito Control IGA with the municipalities with the municipal contribution of \$39,700 and the Garfield County portion be \$495,401.14 and authorize the Chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**xi. Consideration/approval of IGA with Garfield-Pitkin Association of**  
**Conservation Districts for Land Stewardship Programs - Steve Anthony**  
**Attachment IGA Land Stewardship Program**

Steve Anthony presented another draft IGA with the Conservation Districts that we have partnered with since 2000.

A motion was made by Commissioner Samson to approve the request with the Conservation Districts IGA for Land Stewardship Program as presented and authorize the Chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**Discussion**

Commissioner Samson asked Steve to repeat the programs the Conservation Districts puts on.

Steve - The annual Ag Day, Small Acreage Workshop and Water Law.

Commissioner Samson - Those are very well attended.

Steve - They were and they had to add more Water Law workshops because they were at capacity each time.

Commissioner Samson - I wanted to get to a couple of those and I always have something come up that I didn't get to it. If you would let us know when those are going to be again, I'd like to attend some of those if I can make it.

Chairman Martin - There's a whole bunch of movements in reference to Congress and policies under the US Forest Service that will affect Water Law, etc and we need to stay on top of it. Whatever they can do on that is our number one priority - keep water available for Ag use.

**xii. Approval of a contract with Western Slope Materials, LLC to provide as**  
**needed sanding material - Deb Fiscus and Jamaica Watts**  
**Attachment Western Slope Materials Sanding Material**

Jamaica Watts and Deb Fiscus presented the renewal.

A motion was made by Commissioner Samson to approve the contract with Western Slope Materials, LLC in an amount not to exceed \$200,000 to supply the Road and Bridge Department with sanding material and authorize the Chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

### **LaFarge Pit Materials**

Commissioner Jankovsky - One question about the materials.

Drew - This is still under discussion. The issue is the access, right now the agreement is between the county and the pit.

### **xiii. Approval of annual Magnesium Chloride contract with GMCO Corporation - Deb Fiscus and Jamaica Watts**

#### **Attachment GMCO 2012 Mag Chloride**

Jamaica Watts - This is a contract with GMCO Corporation for the application of Magnesium Chloride to various Garfield County Roads for 2012. This is the first renewal option.

A motion was made by Commissioner Jankovsky to award the contract to GMCO Corporation not to exceed \$374,250 for Magnesium Chloride and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### **xiv. Approval of multiple contracts to supply the Road and Bridge department with as needed gravel materials - Deb Fiscus and Jamaica Watts**

#### **Attachment Gravel Materials**

Deb - This is the as needed gravel materials contracts...

Commissioner Jankovsky to approve the 4 contracts with United Companies of Grand Junction supply LaFarge, Western Slope Materials for an amount not to exceed \$500,000 for the procurement of gravel material for the Road and Bridge department and allow the Chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### **xv. Review of RFPs and approval of a contract for a code consultant to facilitate and draft Phase II Targeted Code Revisions - Fred Jarman and Jamaica Watts**

#### **Attachment MEMO Code Consultant RFP**

#### **Attachment Kendig Keast Collaborative Proposal**

#### **Attachment Winston Associates Proposal**

[Attachment TG Malloy Consulting Proposal](#)

Drew - Fred and Jamaica are aware of this but there was a request to continue this item to April 9 to confirm at the first meeting of the code committee tomorrow night, April 3 that they endorse the position of their representative on this procurement committee.

Commissioner Jankovsky made a motion to continue the review of RFPs for approval of a contract for a code consultant for Code facilitation draft Phase II Targeted Code Revisions until April 9, 2012.

**Discussion**

Chairman Martin - I don't want to undermine Fred or Tom's involvement or anyone else that went through that process. I appreciate it; I just don't want to lose anyone along the line.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

[ix. Resolution regarding BLM/EIS/Oil Shale - Andrew Gorgey](#)

Drew - I do have a draft Resolution for you for item 3a iv on Oil Shale.

[xvi. Revised Road & Bridge 2012 Project List - direction to staff Deb Fiscus, Ann Driggers, Betsy & Tari](#)

[attachment Revised Road & Bridge 2012 Project List](#)

Deb Fiscus, Ann Driggers, Wyatt Keesbery, Ray Sword, Mike Prehm and Jamaica Watts were present and presented the revision of the road and bridge projects list.

Commissioner Jankovsky moved to approve the revised Road & Bridge 2012 Project List and thank you guys for the work you have done and look forward to getting this going.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**Discussion**

Ann - Commissioners, I will bring a budget supplement to you so we have the budget approved and it will not hold up the award of any contracts, which we need to have budgeted before they can be awarded.

Drew - As your still acting County Manager, I would tack onto what you were saying Commissioner Samson, I have full faith in this team; they worked very hard to get this list to this point, there are no guarantees, we will work hard and the principle is to produce quality work product for the benefit for the citizens, not to spend money and check off the list just to get it to some artificial goal.

[xvii. County Manager Finalist Update](#)

Drew - I believed we discussed this before the meeting and make sure we address it on the record. Friday upon moving to come out of executive session, the last item of business today in your next phase of your County Manager search and we did post that

addendum. I want to speak that for the record. You don't need to take any action on that right now.

### Flaming Gorge Project

Drew - You also have pending a motion regarding a resolution taking a position on the Flaming Gorge project and you continued that until today. That does not appear on the agenda due to an administrative error.

A motion was made by Commissioner Jankovsky to continue the Flaming Gorge discussion and potential resolution to April 16, two weeks from today.

Commissioner Samson - Could I add that we direct administration to call Mr. Finley and let him know the continuance.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

## 5. Executive Session

- a. Upon the affirmative vote of two-thirds of the Commissioners, the Board will adjourn to executive session pursuant to C.R.S. §§ 24-6-402(4)(a), (b) and (e) to confer with its attorney for the purpose of receiving legal advice on a specific legal question regarding real property and instructions concerning negotiations regarding real property -one transaction.

A motion was made by Commissioner Samson to go into executive session for the aforementioned reason.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

A motion was made by Commissioner Samson to come out of executive session.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

### Return to Regular Agenda

#### LUNCH - Noon

#### COMMENTS FROM CITIZENS NOT ON THE AGENDA

#### REGULAR AGENDA: BUILDING & PLANNING ISSUES

1. BOCC presentation of Service Award to Philip Vaughan for service on the Garfield County Planning Commission - Fred Jarman

Denise Vaughan and Phil Vaughan were present.

Chairman Martin - Phil was recognized for his 21-years of service on the Planning Commission.

Phil - This was extremely nice for you to do this and thanks to Fred Jarman for putting this on the agenda.

Cheryl Chandler thanked Phil for all the years and hours of volunteer service.

Bob Fullerton spoke favorably of Phil and it's like Brian Greasy following John Elway. I have learned a great deal from Phil. I respect the leadership you showed.

Commissioner Samson - One question - Phil are you going to come to us and present things to us from the State Commission you are on.

Phil - I will and I'll be happy to report on the DU Strategic Issues Panel recommendation on state government.

Commissioner Jankovsky - Thank you and I've seen you in action several times and want to compliment you on how you handle the tough crowd.

Jean Alberico - Before Phil could actually officially leave that he got to spend a couple of weekends with us to figure out where we're going to store all those books or maybe he was going to offer the storage space.

Fred Jarman - Phil, thank you as your Planning Director but your years of volunteer service to the county and many times very challenging environments.

Chairman Martin presented Phil with a plaque inscribed with his service from 1991 to 2012.

## **2. County Attorney Update - Land Use Issues: Andrew Gorgey** **BLM Oil Shale and Tarsands PEIS Resolution**

Drew - Commissioners as I've had a chance to look at the draft Resolution regarding the BLM Oil Shale and Tarsands PEIS, I actually ask you to continue this item for a day until tomorrow. You have a publically noticed work session, I found some language to correct and would like that time for my office to review it.

### **3. Public Hearings:**

**c. To consider a request to amend the Colorado Mountain College PUD located on the Colorado Mountain College - Spring Valley property (File No. PDAA 7078). The Applicant is Colorado Mountain Junior College District - Molly Orkild-Larson.**

**d. To consider a request for a Land Use Change Permit for a Limited Impact Review of the Colorado Mountain Junior College District application for a Compressor Station on a 5.05 acre site located on the Colorado Mountain College - Spring Valley property (File No. LIPA 7077). The Applicant is Colorado Mountain Junior College District - Molly Orkild-Larson.**

attachment CMC Limited Impact Review application

attachment CMC Limited Impact Review Staff Report 1

attachment CMC Limited Impact Review Staff Report 2

attachment CMC Limited Impact Review Staff Report 3

Carey Cagnon - Last week at the end of the week we did receive a request from the applicant to temporarily put both of these applications item c and on hold for up to 6-months.

Chairman Martin noted there were 20 plus students from the CMC Campus present. Alex Curtis, Carla Young and Richard Vejen spoke on behalf of the students against the compressor station.

**a. Consider a Request for a Major Impact Review for a Land Use Change Permit for a Material Handling and Solid Waste Transfer Facility, known as the Encana North Solidification Facility, located approximately 11 miles north of Parachute and two miles northeast of the end of County Road 215. The Applicant is Encana Oil and Gas (USA) Inc. - Glenn Hartmann**

attachment Encana NorthSolidification BOCC application

attachment Encana NorthSolidification BOCC Staff Report Exhibits

Glenn Hartmann, Carey Cagnon and Katy Middleton with Rule Engineering LLC were present.

Carey reviewed the notices, signs, publication, mailings; mineral owners included and determined they were accurate and timely so the Board may proceed.

Chairman Martin - Swore in the speakers.

Glenn Hartmann submitted into the record Exhibits - A - Q and Chairman Martin entering them into the record.

Glenn submitted his staff report and provided a Power Point Presentation.

Glenn gave a summary of the proposal of Encana's proposed North Solidification Facility.

Katy gave the applicant's response to the proposal.

No public comments.

A motion was made by Commissioner Samson to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

A motion was made by Commissioner Jankovsky to approve the Major Impact Review for a Land Use Change Permit for a Material Handling and Solid Waste Transfer Facility, known as the Encana North Solidification Facility and allow the chair to sign with the 15 conditions of approval as represented by Mr. Hartman.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**b. Consider a request for call-up to determine whether to uphold, modify, or reverse a Director decision of denial for an Accessory Dwelling Unit on a ±35-acre parcel located on East Elk Creek. Applicant is Daniel Adams - Kathy Eastley**

Attachment Adams ADU application

Attachment Adams ADU Maps

Attachment Adams staff report and exhibits

Kathy Eastley, Carey Cagnon, Daniel Adams applicant, Chad Lee and Bob Noone attorneys, Pat and Julia Simpson and Shirley Sample were present. Carey Cagnon reviewed the noticing requirements including mailings, posted notice, newspaper publication, mail receipts and concluded the Board may proceed. Kathy presented Exhibits A -K. Chairman Martin entered the exhibits into the record. Kathy Eastley presented a Power Point for her staff report and she informed the Board they had the options of upholding the Planning Directors recommendation of denial, modify or reverse the decision to deny. Public Speakers included Daniel Adams, Shirley Sample and Chad Lee in favor. Pat and Julia Simpson and Bob Noone against. A motion was made by Commissioner Samson to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

A motion was made by Commissioner Samson - I will move that we as a Board of County Commissioners reverse the director's decision of denial for an accessory dwelling unit on 35 plus acres parcel located on East Elk Creek applicant being Daniel Adams with the stipulations and I need Drew's help with the legal phasing terms about what we were saying with those conditions.

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	CARRIED

### Discussion

Commissioner Samson - I respect the findings of Fred and he has to work within the framework of what he's doing and if I was him and I was in his position I think I would have come to the same conclusion. But we don't have the same parameters as you do and we can do things differently. With that being said, there are several points, one point is more or less, and it's an academic exercise in that, as we all know. If you change your plans and just decided to build onto grandma's house, we'd have the same thing and you wouldn't have to go this whole process.

Commissioner Jankovsky - Is that something about the access over the existing easement that would continue until an additional building took place. That's how I heard. Drew - That is what I said.

Commissioner Jankovsky - Mike, would you put in a condition about adequate water and sewer. I'd like to have that condition in there.

Chairman Martin - As represented by the applicant, the historical home becomes the ADU upon completion of the new home.

Commissioner Samson - Yes.

Drew - Commissioners, the condition as I stated it said any building; Chairman Martin and through the other discussion pointed out that if you wanted to build on the Soaring Gray Eagle parcel or the Sylvia Moore parcel, both of which are by the easement. That would increase traffic over the easement, they can do that and you can't really condition anything on those vested rights so any additional building, any conditioning of an

additional building would be as to the Adams parcel alone. If there were greater than the residence on the Adams parcel the accessory dwelling unit; a single residence on Soaring Gray Eagle and Sylvia Moore, and if there was an assemblage or subdivision or both, that's going to go through a whole separate subdivision review anyway. Access and everything else would be reviewed at that time anyway. I don't mean to draft this like a fake condition but the one you can limit here is as to the Adams parcel.

Chairman Martin - That would be for the ADU and the original home, any other land development or subdivision as to the Adams parcel would require a new access. At that point, you are limited to just the ADU and the historical house. If they go through any other land or subdivision process it requires a brand new access.

Commissioner Samson - As it stands right now ever before all of this started Soaring Eagle and Sylvia Moore properties could build and not have to worry about anything right now.

Chairman Martin - They could. At that point, we get back to the argument that the inevitable is going to come if those properties are sold or subdivided then you have the real issue of the access. You still have to deal with in a new access because a 15-foot wide access is not going to make it.

Fred - The only thing I was thinking through with your motion Commissioner Samson was the fact, I know you are focused on the Adams property because that's the matter in front of you today. The Chairman is right, as discussed, anybody on Sylvia Moore or Soaring Gray Eagle could build a single family home and it would never come here, those would incur more trips on that easement; however, you are going to have the same discussion you're going to have except it won't be the Adams it will be Soaring Gray Eagle who comes and says well, I want my ADU now please. Or it will be Sylvia Moore, the possibility of having this same discussion two more times. So it's not just a subdivision that would force a large discussion on making a better road, it would be those two as well. Just so you understand.

Commissioner Samson - It's not a historical building on either one of those properties.

Fred - I don't know.

Chairman Martin - No. There's nothing there.

Commissioner Samson - That's a big difference.

Fred - Along those lines, the term historic is a very significant definition to it.

Chairman Martin - In more ways than one.

Drew - This does loop back to the liability point too because, if you are the first to build a single family residence on Sylvia Moore or Soaring Gray Eagle and you know what your access is before you build. You know that it's 15-foot wide and you know that is rather frowned upon by our fire protection districts and others, you know down the road someone would argue assumption of the risk. You should have thought about that before you built. There are so many permutations of that I think it's premature to speculate. All you can make are general statements that you're protected by the Colorado Government Immunity Act and coming to the nuisance or hazard is a legal theory and that's one you don't bother right now.

Carey - We have the motion to reverse the director's determination with the condition that no further development beyond this ADU be permitted on the Adams parcel until such time as access is improved.

Commissioner Samson - Correct.



Carey - That will take a little massaging but I can work with it.

Commissioner Samson - Add the second condition that adequate water and sewer can be demonstrated.

Carey - I believe they already have been otherwise your staff would have pointed those out in the issues with the ADU.

Chairman Martin - It is a performance standard.

Drew - It's not what you came to ask for.

Chairman Martin - We have closed the public hearing unless Mr. Samson wants to reopen the public hearing to take in the testimony of the other attorneys. There's no request to reopen the public hearing. Will you also entertain that it cannot be sold as a separate unit that the ADU, which will be the historic home, not exceed 1500 sq ft?

Carey - Staff has recommended certain conditions of approval on page 5 of the staff report if you want to review those.

Drew - Without reopening the public hearing what you're proposing to do is impose a condition that differs some might argue materially from the original request of waiver, which is we are not doing anything else on this property except the ADU. So if you're headed this direction to approving and reversing and approving the waiver with conditions I would advise you to obtain in the consent of the party that seeks the waiver, you can just ask them.

Commissioner Samson - My question is...

Chairman Martin - I would have to reopen the public hearing. If it's the applicant I would definitely have to do it if it's the applicant. If it's Fred, a staff member and I can ask him.

Drew - I don't believe you do. I don't think so, public hearing is to take and receive evidence in your quasi-judicial capacity and you are taking that evidence and applying it to your statutes. What this is different, what you're doing is asking the consent of the applicant as to this specific condition, it's not really testimony.

Chairman Martin - True. If I do open the public hearing I also have the opposition to have the ability to answer that question and challenge it. I worry about that.

Drew - That's different. You can't go wrong with reopening it and providing more process if you want to.

Commissioner Samson - Okay, let's before we get to there, let's back up a minute. Am I to understand and we have these conditions here...

Chairman Martin - If considered that would be the condition, that's what you...

Commissioner Samson - And I can't put more conditions on it.

Chairman Martin - Yes, you can.

Commissioner Samson - Then what's the problem. So I would say that being said, we put the condition of what you just stated there and then we also put the condition of they must demonstrate adequate water and sewer, along with these 7-conditions they have listed from page 5 of our memo.

Commissioner Jankovsky - So there would be a condition 8 which would be access over the existing easement would continue until additional building is done on the Adams property or until there's additional building on the Adams property, that was condition 8. And condition 9 was adequate water and sewer would be demonstrated.

Chairman Martin - Did you wish to include any other division of land would require a new access.

Commissioner Samson - I thought that would be part of the subdivision, that's redundant.

Chairman Martin - Just so it's clear.

Fred - That is in your land use code already.

### **County Manager Position**

Chairman Martin - We continued this until today for deliberation.

A motion was made by Commissioner Samson that we not select a County Manager from those five and that I don't know that it necessarily needs to be immediately but sometime in the future we ask or we use Mr. McKenney and Peckham Firm again to submit to us, but I think we need a respite time and perhaps three months whatever down the road we start the process again. Along with that I think we need to reevaluate what we're asking Drew to do and how we're going to shape things between now and when that new County Manager is selected.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

### **Discussion**

Chairman Martin - Your motion is to go ahead and not select an individual from the five finalists that we interviewed and went through the process and to ask Drew to continue as Acting County Manager and we contract Mr. McKenney and give him a date on when we would like to see the other finalists timeline.

Commissioner Samson - But along with that the three of us need to sit down with Drew and shape things so that he's not so burdened for the next however long it is to get a new County Manager in all fairness to him.

Commissioner Jankovsky - No, I agree with Mr. Samson, I think if we're going to select one of the candidates it needs to be a unanimous decision and so I agree with Mr. Samson on that.

Chairman Martin - I also look at the burden that Mr. Gorgey has at the present time but stretching himself and trying to offices I would like to see if we could get a temporary deputy to assist the legal department and to run that way so Mr. Gorgey can concentrate on administration and be the backup for consultation to that new deputy or we move forward with a timeline of 6-months and get things accomplished on your timeline. Instead of 3-months, do 6-months give this temporary assignment to Drew, make a temporary deputy, and then be able to work out all the issues and then make a final selection.

Commissioner Samson - I'd like to hear Mr. Gorgey's comments.

Drew - As soon as the numbness wears off I'll respond. First, I believe that you as Commissioners make clear that you would chose one out of the first group of applicants or you would not. I believe that Commissioner Martin stated that as a possibility so I would just note that. Second, I appreciate on behalf of all the applicants that you said any could do the job. I was involved in the first round of interviews and the second round of interviews to some extent. I met all these applicants personally and they offer unique talents and skills. They will all succeed going forward. I'm not worried about any of them in terms of their future opportunities per your decision today. I think you are

asking me to comment about how best to proceed and given such an important topic I just decline to illustrate the preference for until I've at least have tonight and tomorrow to think about it. I will give my best effort tomorrow to think about it, not delay but you need from me sort of my best effort at a proposal about how this should look. Commissioner Samson if I understood you're correctly you said that before directing the Peckham and McKenney Firm again to begin a search that we should take some break. I would not for the record that there are multiple executive searches going on just in Colorado right now and Centennial, Estes Park, LaPlata County and elsewhere too I believe so that means there are a lot of lions in the same pond right now and it may be prudent to see how some of those decisions shake out before making a decision of your own. What I will tell you that as you have for the last three months and the past nine months, you will get my absolute best I am totally committed to the County in whatever role you have me in those roles. I've worked very hard in these three months to advance your interest to advance the business of the county in favor of the county taxpayers. We have made already dramatic improvements in certain operations, we're taking steps to decrease debt, we have flattened the organization chart, you have 12 directors that report to the County Manager, you used to have a lower number, you have engaged the leaders of those various departments, you have put them on a positive course, I feel I have a good working rapport with every single one of them and your point is well taken about that it is not wise to sort of stretch me or anyone too thin. What I'd like to do, I could give you a preliminary proposal in the morning if you want but I'm not going to shoot from the hip now.

Commissioner Samson - There's not a big rush on that, you take your time. I don't want you to sweat bullets over that tonight. Take your time with that.

Chairman Martin - The only reason I mentioned that Drew is simply because we had a timeline in reference to an agreement that was in place to make sure we review that timeline and see if that timeline for your double services doesn't run out at the wrong time. If we need to extend that that's what I'm saying. We need to review that agreement and extend it to the same amount of time as we are waiting on the sideline for candidates to come forth.

Drew - All right and I think you both actually saying the same timeline because if you start the Peckham and McKenney or any firm looking again at the 3-month mark, you would be looking at a 6-month acting County Manager period, which is what I think you said Commissioner Martin and I have already forwarded to you, we're looking at other counties leadership policy and practices to try to more clearly define the relationship between the Board of County Commissioners, the County Manager and the County Attorney's office and how to optimize that relationship for the benefit of the county government and the county. There are many other things that we're sort of in the middle of so I'd like to put all that together, the agreement you just referenced, some of these 6-month plans and then present it to you again.

Chairman Martin - The motion is still on the table not to select anyone and to make sure we notify them all that no one has been selected through McKenney and Peckham and that we continue to a timeline of 6-months. In the meantime, I believe that's the only portion of that motion that's on the table right now. Anything to do with Drew is my adding to the conversation but I think it is an issue we need to take up after this motion to make sure things are going in the right direction.

### Direction to Drew Gorgey

Chairman Martin - The other one is that we give direction to legal staff and the double duty is followed-up and we have an agreement in the same place that at least another 6-months above what we have today and that comes back to us for that consideration and we will meet with you as well on a daily supervision issue and recharge what we need to get done with you so that we can give you proper direction and make recommendations in the public session if there are any other changes such as a deputy or whatever for assistance.

Drew - There are two full time jobs, it is not possible for one person to do them both fully at the same time and for a period of time you can manage, that is what we've done and actually done more than just manage as I said, I think we've really advanced several things. I appreciate the point and I will come up the strategy for both offices and both positions and present that to you.

Chairman Martin - If you can't do it, please let us know.

### COMMISSIONER ISSUES

#### a. Commissioner Reports and Calendars

Commissioner Samson - We have the BLM that we're going to cover tomorrow.

Drew - We can put it the first thing. Reports, calendars, minutes and agenda items, the Senate Bill 12-31 was signed by both houses of our general assembly and it has been forwarded to the governor for signature, the Federal Mineral Lease District Act Amendments.

Chairman Martin - Thank you for your work on that too. The only thing I have on the calendar for tomorrow is that I do have a reinstatement doctor's appointment at 10 a.m. since it was canceled the last time. I will miss part of your working session tomorrow.

Commissioner Jankovsky - Well, you're going to miss prior to that too because you have to travel so you'll be missing Garfield Clean Energy and then Hill Alluvium.

Commissioner Samson - On the Field Visit tomorrow and we're meeting at the Information Center there at Parachute at 1:30. Thursday, 4:00 p.m. Prevent Child Abuse SO in Rifle, I am planning on attending.

Commissioner Jankovsky - I plan to be there as well.

Commissioner Samson - On the 9<sup>th</sup> we have the BOCC and the 10<sup>th</sup> we have a special work session on Medical Marijuana at 8:00 a.m. I will start to teach my 5<sup>th</sup> graders on the 11<sup>th</sup> at Glenwood Springs Elementary. At 1:00 p.m. on the 11<sup>th</sup> we have a FMLA meeting, 1:00 p.m. Then that night have your received the two of you the Conservation District at the Silt Fire Station at 1:00 p.m. It was an email from Sherri Pro. On the 12<sup>th</sup> is an AGNC meeting down at Colorado Mesa University.

Commissioner Jankovsky - At that meeting are you going to try to have a sage grouse discussion as well.

Commissioner Samson - No, this is an AGNC meeting so we will be talking about sage grouse and probably discuss a little bit about the meeting in Vernal. Craig Meese is probably going to have all of the County Commissioners there at Mesa County, he wants to have the entire Grand Junction City Council there and representatives from Fruita, I talked to Mayor Miller from Rifle and I think he will be there and hopefully Frank Breslin from New Castle. After our meeting, we have a phone in from Diane Orr who is

our lobbyists who will be talking about BLM and what's happened there so I guess Jean we need to notice that the three Commissioners will be attending that meeting at 10:00 a.m. Mesa University. That night I have a fire meeting with the Rifle.

Chairman Martin - You need to be in Denver at 8:30 a.m.

Commissioner Jankovsky - I have a conflict on the 13th too and I had to ask Drew to have someone fill in for me.

Commissioner Samson - We will be meeting the three of us to go to Political Meetings over in Denver at 8:00 a.m. on the 13<sup>th</sup>. The reason I saying is at 6:30 p.m. on Thursday night, is a regional fire meeting. My question is who do you suggest we send to that meeting because I won't be able to be there.

Drew - What is the subject of the meeting?

Commissioner Samson - They are continuing with the IGA and the different aspects and points of how they are setting it up and the terminology they got from their consultant.

Drew - I was at that meeting the Regional Fire Authority and at that time, they were discussing the terms of the MOU in advance of the IGA all in advance of forming the authority. I will go; I have already learned all of that.

Commissioner Samson - It's at 6:30 at the Burning Mountains Fire Station on Thursday the 12th. Please give them my regards, as I can't be there.

Commissioner Jankovsky - On the 13<sup>th</sup> I emailed you that GoCo's going to be here and they are going to be looking at the South Canyon Trail and Larry Dragon wanted me to be there and I had to email him back that I couldn't make it and I emailed you on the schedule. We need a representative there, he's going on a tour after that and I think we need to have a representative here in the chambers to represent Garfield County. I don't know if Jeff Nelson will be here and hope he will go on the tour. Somebody needs to go on the tour after that. If we could have somebody, there I would appreciate it.

Chairman Martin - The Worksession on Medical Marijuana at 8:00 on Tuesday. I am supposed to be in Denver on that day on the Great Outdoors, Jeff and Mr. Dragon in reference to our letter of support. Community Corrections is on the 12<sup>th</sup>. There was a gentleman that used to do that Dale; however, that Community Corrections issue is now Rodney but there's no connection to the administration in one way or the other and I used to sit on that board. That meeting is at noon at the Ramada Inn. The reason there is that we have not been receiving minutes, decisions and they are an advisory group to this board, and we're not receiving much of anything back from them. We wanted to reiterate that they are advisory and we need to have at least a monthly report. Marian used to do notes but she can't do those anymore and we need to have some connection with Rodney back to this Board. So I need a representative to go there.

Drew - I think Rodney attends and if it - I will follow up.

Chairman Martin - It has a budgetary item and needs to have a treasurer's report and money is transferred through the county to run the Community Corrections, so we need to make sure we have that connection and where the money goes, what allocations have been made through their treasurer's report, bills etc. We will need to make sure that is there and again the Grand Opening at the New Castle Library is on Saturday, April 14 and I believe the three Commissioners are gone.

Commissioner Samson - I meant to mention that too, Amelia Shelly asked me if all three of us would be gone to write something and give to her and she'll read it. Do you want to do that or ask someone from staff to go?

Chairman Martin - I think someone from staff should go, put in an appearance and be there. It's a major renovation and a major investment for our citizens.

Commissioner Samson - I will coordinate that with Drew.

Chairman Martin - I would like you to write up something and read that to the audience.

Commissioner Jankovsky - I do have some other meetings. I'm meeting with Mary Noone on Wednesday at noon the 4<sup>th</sup>. I have at 2:00 p.m. a condensed natural gas meeting and on the 4<sup>th</sup> and then sometime in the morning or late I'm going to meet with Elizabeth Murphy from Carbondale Board of Trustees and I believe at that point we will know who the new Trustees are. There election is April 3. There is an EAB meeting on the 5<sup>th</sup> at 6:00 p.m. and I plan to make that. It's on facing. There is a 7 p.m. meeting on the 10<sup>th</sup> for GARCO Finance Authority and I was planning to be there unless Drew doesn't need me there.

Drew - The only point I'd make on that is with the repayment of the 2001 Series, which extinguishes the obligation of the Garfield County Finance Authority so I'm sure their annual meeting on April 10 will want some sense of what the Board would like about their future. Under corporate law, I think they would have to dissolve themselves and you have another series of certificates of participation but those are tied to the Garfield County Building Corporation, a separate non-profit. The business on April 10 is election of officers and discussion of these very same points. There is a minor detail that the \$726,000 that you had put into reserve funds as assurance of payment of the COPs were invested in assets of subject to litigation. The litigation was resolved by way of settlement and the settlement proceeds are \$16,000 that actually come back to the County not to the Building Authority. That will be discussed. We'll cover it.

Commissioner Jankovsky - On April 11 is the day I have Human Services Commission in the morning and Garfield Clean Energy in the afternoon.

## **ADJOURNMENT**

**April 3, 2012**

## **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

### **SPECIAL WORK SESSION**

**a. 8:00 a.m. Parachute/Battlement Mesa Air Monitoring Overview and Proposal - Jim Rada**  
Attachment Air Quality Monitoring

Lincoln Sherman, Gordon Pierce, Paul Reaser and Jim Rada presented.

Jim gave the work session topics as directed by the Board. Today they would like the Board to provide further direction.

### **Direction from BOCC**

Commissioner Samson would like to encourage the state to pay more.

Chairman Martin – We need to continue and add the mobile unit.

Jim – The mobile unit is flexibility and we can determine where we need to locate the equipment.

Chairman Martin – I would like air monitoring in the far west near DeBeque; a wall of dust from the west and I want to look for that spike.

Commissioner Jankovsky - This role of monitoring is good but we need to add more sites. The goal is to provide information to the public. Does it give us answers and what is the future of citizens in Battlement Mesa? It is better since 2008,

Jim – We have been gathering data that will help provide better information and protect the Battlement Mesa health concerns. Our goal is to protect the public health with air and development protections, advisories and help protect them from health risks. We came from conditions to refine to get better information, transport of pollutants, and specific issues of ozone. We need to refine it even more to create a better policy for health impacts. The better the data the better we can serve.

Chairman Martin – I want facts versus hysteria.

Gordon – We are not guessing. Factors of burning, large wind, smoke and having data to predict something like that so we can alert the public.

Lincoln – Suggested keeping the existing sites, watch the trends of oil & gas development, as they are not going to end soon.

Chairman Martin - Measure the increase in production and taking care of the issues to understand the levels,

Commissioner Jankovsky - Have you ever used the data where there is an alarm? If so, bring to the BOCC and to the state.

Jim – Nothing that is not an alarming situation; mostly these are localized issues to air pollution and potential health impacts to our population. We do continuous air monitoring in Rifle and have seen spikes in PM2 related to wood smoke. We are replacing wood stoves and the concerns of wood stove smoke. We work with weather conditions for information to the public. Dust storms are coming so we can offer an advisory and give citizens information to protect themselves.

Lincoln – These could be done by the hour, across the entire state and health advisors.

Chairman Martin – Does this include wind advisories.

Jim – If it's an alarming condition, yes. We are being proactive and in a good position with the continued air monitoring so we will continue to advise the BOCC.

Commissioner Jankovsky - We are going down a path with the air monitoring and we are doing this with funds from the county. Pollution and we are looking at trends

Jim – Do you want us to pursue the mobile unit?

Commissioner Jankovsky - I want to study this further before making a decision to invest.

**b. 9:00 a.m. GCE Update: West Slope CNG Collaborative & Better Buildings update and proposal for financing program**

**Attachment GCE Update**

Alice Laird, Joe Roland, Tom Baker and members from the Better Building Project RFTA have approved 22 buses with GNC capabilities. The BOCC got that started.

Tom – We need a station in Glenwood Springs and have been brainstorming on the next steps. It takes partnerships and we have scheduled a West Slope event for April 13.

Chairman Martin – The BOCC will be in Denver.

Commissioner Samson – We can send a representative for us and provide a report on the 16<sup>th</sup>.

Commissioner Jankovsky – To have a CNG station in Glenwood Springs will be a collaborative with industry, private and public sectors.

Dan talked about RFTA, gave the EnCana partnerships list and discussed the challenges.

Commissioner Samson – The Weld County model had funds from the state. Kirby will provide us a report on your meeting on the 10<sup>th</sup> and give us a report on the 16<sup>th</sup>.

### **Alice Laird - Garfield Better Building topics**

1) Progress report and economic development results

2) Update on financing program; discussion of proposed revolving loan fund and next steps.

Energy coaching to maximize all rebates, incentives and access to Clean Energy for specific rebates.

Drew - Betsy Suerth is the head of public works and she would be the point person for every building.

In response to a question posed by Commissioner Jankovsky about what is needed by the Board, Drew said we are not in a position to commit but the Board could think it over. We're not in a position to do that right now, we are not postured to commit resources.

Commissioner Jankovsky - Do need to move forward as it may take a year or two and we don't want to not finish something we started.

Drew – You would need to have this as an agenda item at your regular meeting. You can give direction to staff but you are not committing anything.

### **Direction**

Commissioner Jankovsky - GNC is not a project and Garfield County is the contractor. Continue to move forward.

Commissioner Samson - Jim do that and give us an update on April 16 and if you need more time we can do this in May.

### **c. 10:00 a.m. - 12:00 p.m. Presentation and discussion regarding Situation Analysis completed by Hill Aevium pertaining to Garfield County Marketing Plan, economic development - Hill Aevium, Ann Driggers**

#### **Attachment Hill Aevium**

Ann Driggers, Tamra Allen and Linda Hill owner of Hill Aveium presented the marketing plan for Economic Development.



Tamra explained how a decision was made to go with Hill Aveium. It was a directive from the board to move forward. The County looked at six industries-business services, air defense, education, outdoor industries, research and development.

Linda Hill and owner of Hill Aveium and a project team gave an analysis and provided a handout.

Pati Martinez has strong background in SWOT analysis. She gave details.

Linda provided a Power Point that highlighted each item.

### **Public Comments**

Lonnie Kitchens with Carbondale Economic Development

Ken Williams from Carbondale

Judy Hayworth – Battlement Mesa Historical Society

Dave Sturges – Glenwood Springs City Council

Julie Bjurstrom – Economic Development in Rifle

The board discussed the Economic Development and as county government, we can't negotiate with business. As a county, it is not our place but we can support the EDC's and figure out what we're doing such as study cost, give money to EDC's to move forward.

Commissioner Samson invited Linda and Pati to come to the mayors meeting on April 21 or before July 4.

### **AGNC**

The job description and resolution on BLM Oil Shale was continued to Monday, April 9.

**April 9, 2012**

## **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

**ROLL CALL - 8:00 a.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

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

**REGULAR WORK SESSION:**

**1. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**

**a. Approve Bills**

Commissioner Samson - I would move that we approve the consent agenda as presented; which is approve the bills and authorize the chair to sign those things that need to be signed by him.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner John Martin	Commissioner Tom Jankovsky	UNA by roll call vote

## **2. County Manager Update**

### **a. Public Meetings:**

#### **i. Energy Advisory Board Quarterly Update - Brent Buss**

Brent has been a member of the Energy Advisory Board since 2009 and he gave a brief explanation on what they had been doing as a board.

Chairman Martin asked if there was any action to be taken, and there was none.

#### **ii. COGCC Hydraulic Fracturing Fluid Chemical Disclosure rule - Andrew Casper**

##### Attachment COGCC Update

Andrew gave a power point presentation. No questions from the board and they thanked them for coming.

#### **iii. Casa of the Ninth Request for 2012 Funding - Jessica Lodders, Kelley Hill & James Conway**

##### Attachment Casa of the Ninth

Jessica Waters gave a power point presentation. She is a board member on CASA of the Ninth and they are appealing for 2012 funding in the amount of \$10,000.00.

Commissioner Samson - Mr. Chairman I would move that we grant \$10,000.00 out of our discretionary fund for the Court Appointed Special Advocates of the Ninth Judicial District; would that be appropriate there? And the chair be authorized to sign such.

Commissioner Jankovsky - I'll second that motion and I would like to; I guess a couple of things. First of all this helps us out if we cannot have fewer placements it helps our human services department. In addition, we've all read about, hopefully not in Garfield County, children getting lost in the system and this is a way where they have one advocate per child. My concern right now is that we haven't talked to our Human Services Department, we haven't talked to Mary Baydarian, haven't talked with Kate who is our attorney for the Human Services Department. Are we moving too quickly?

I'm sure that Mary's going to come back here and say yes this is a great thing; do we want to have that discussion.

Commissioner Samson - I would say we'll go ahead and go forward with all but two judicial districts in Colorado having this program I think we're safe. Move forward.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**iv. Forest Service Request for funds to purchase rock from the Garfield County Landfill - Kyle Grambley**

**Attachment Garfield Rock Request**

Kyle is here as the Rifle Ranger District is remodeling and they are about 80% done with their plan.

Commissioner Samson - I would move that we grant \$11,000.00 from our discretionary funds to go into the Garfield County landfill enterprise fund for rocks to be procured from the landfill to construct a rock wall landscape rock and so on to the US Forest Service Rifle Ranger District.

Commissioner Jankovsky - I'll second that motion and I do want a little bit of discussion. Kyle if we came to you and asked for \$11,000.00 worth of beetle kill pine to put into fencing; it would be a whole different story on how we would have to go about that and more than likely we wouldn't be in-kind from one government to another government. We'd have to pay for it and we would probably end up spending \$11,000.00 on some sort of...

Chairman Martin - Application.

Commissioner Jankovsky - Application, review, and everything else. I agree with, and I'm going to vote in favor of this but I just want to point out working that working with the Federal Government is not easy and it's severely complicated.

Chairman Martin – Here's a quick example of how the Federal Government treated their Ranger District. There was a fella down there that said hey we're working with the county and they're going to some paving in front of it; if we could just go ahead and do our parking lot and around our particular building can we go ahead and do it and the answer from the Federal Government was no you cannot you have no money for that. However there is a little rule in there that you are to cooperate in conjunction with the projects of local government, therefore you go ahead and get it done and it was done and you do have the paved parking lot now in front of your facility because the county was paving that particular road and extended it out. So there are ways to do that. They do have the constraints within their own policies and their approaches. We're just trying to help guide them in a friendlier manner and so I think that's what this is about.

Commissioner Jankovsky - And when I talk about, I'm talking about the Federal Government in Washington DC and I know you work for the Federal Government, I

want you to know that we respect the employees that work here locally and what they contribute to our community. I just wanted to bring that issue up.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**v. Funding assistance for the repair of the Silt Historical Park Office/Museum Building - Bill Smith**

**Attachment Silt Historical**

Bill explained he was told they needed an asbestos study. Unfortunately, by the time he had completed all he needed the 2011 funds had expired. He is now back re-requesting the same amount from the county.

Commissioner Jankovsky - I would like to add that we; that's 2011 funds; we appropriate another \$8,500.00 out of 2012 funds which would make it \$17,000.00.

Commissioner Samson - Is that a motion?

Commissioner Jankovsky - That's a motion.

Commissioner Samson - Second.

Commissioner Jankovsky - That would come from our grant funds.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**vi. Rifle Rendezvous funding request (continued from April 2) - Gabe Chenoweth & Ron Milhorn**

**Attachment Rifle Rendezvous**

Drew explained Rifle Rendezvous did supply the board with a letter requesting funding.

Commissioner Jankovsky – I'd make a recommendation at this time that we, for Rifle Rendezvous, we approve their request at \$25,000.00.

Commissioner Samson – I'll second it for discussion.

Commissioner Jankovsky - In that motion it will come out of our grant fund.

Commissioner Samson – I'm just figuring some things here for a second.

Chairman Martin - I realize in the future how difficult this has been.

Commissioner Samson - Your best guess would be that you would have; and I'm really going to put you on the spot. The low end, the high end for attendance of Sawyer Brown.

Ron – I'd say probably 1,000 for the low end.

Commissioner Jankovsky - Yeah if you cannot get to 1,000 you guys did something wrong.

Ron - On the high end, I'd say like 4,000.

Commissioner Samson - Okay.

Commissioner Jankovsky - The motion is to go to the Rifle Rendezvous.

Drew - Could you either as a condition or a courtesy just update your corporate filing with the Secretary of State, last update here was '07.

Chairman Martin - I was hoping to see more. Tell you the truth I think that they are doing the best they can.

Commissioner Samson - I would push that; but I didn't know where you were coming from.

Chairman Martin - I'm always coming from the underdog side of it I think. I know the personal sacrifice that this has brought. I remember the very first Rifle Rendezvous; in fact, I was out there one time. It was a rag tag bunch of things taking place, something new, it was exciting it was hot and dusty. A lot of changes have taken place and I think it's a very successful. But I agree there needs to be some more participation by the City of Rifle. But because there isn't that in front of us and they've gone through everything that we've asked them for, Gabe and Ron I'm willing to take a chance on some more but it's up to the motion.

Commissioner Samson - How much more?

Chairman Martin - Well I want to make Tom comfortable; he's a businessman.

Commissioner Jankovsky - I'm a business man and I do know that concerts are expensive and you're spending as much money on your production as you are on the musicians, but you have to have that production to make it a good concert. I know it's potentially a pretty profit; its part of the Rifle Rendezvous but it's for profit as well. We are supporting the Rifle Rendezvous; Rifle Rendezvous then becomes a sponsor of this concert is how I take it.

Chairman Martin - With the things the way they are, and a challenge knowing that I'm honoring Tom in reference to his challenge; I'm willing to go another \$10,000.00 and take a gamble on the folks and I would entertain a second motion in reference to increase to \$35,000.00 with all the same conditions that Tom had on his with authorization to sign.

Commissioner Samson - I'll second it.

Commissioner Jankovsky - Discussion would be; \$35,000.00 pretty much gets you to break even on 1,000 tickets sold. I hear from constituents about what are you guys doing sponsoring events in Garfield County; but we're doing it. I'm willing to go with that but next year you need to be here six months in advance and you need to have some government support from the City of Rifle. Those are some of the things; I know when you starting going and talking to private business in this environment and \$2,500.00 is a lot of money because things are still not easy. I would ask that we not be here in front us a month prior to the concert. Let's preplan. At some point our direction might change and what we think we can make grants for. At this particular time, we are doing these types of grants.

Chairman Martin - Understanding we hope you will be seeing the City of Rifle as a formal request. Still getting other folks on board.

MOTION

Commissioner

SECONDER

Commissioner

VOTE

UNA by roll call vote

Tom Jankovsky Mike Samson

**vii. Request for approval to provide assistance for improvements on Beaver Creek Road within the Rifle Watershed District - Fred Jarman**

**Attachment Rifle Beaver Creek Road**

Michael Erin of Resource Engineering and Jim Neu were present. Jim explained they had Resource Engineering; with the assistance of Williams perform a watershed assessment. They are here today to explain what they want to do and obtain direction from the board. County staff has decided to do a site visit and then report to the board.

**viii. Approval of multiple contracts to supply the Road and Bridge department with as needed asphalt material - Deb Fiscus and Jamaica Watts**

**Attachment Asphalt Materials**

Jamaica is asking the board to award approval to Grand River Construction in the amount of \$100,000.00 and Frontier Paving in the amount of \$200,000.00.

Commissioner Jankovsky - I'd make a motion that we approve the two separate indefinite quantity contracts to Grand River Construction in the amount of \$100,000.00 and Frontier Paving in the amount of \$200,000.00.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

**ix. Approval of and authorization of the Chairman to sign the Intergovernmental Agreement for Participation in the Colorado Emergency Fire Fund - Gene Duran and Sheriff Lou Vallario**

**Attachment Emergency Fire Fund**

Gene provided a cover sheet regarding this item. He explained what the fire funds were set-up for. The amount approved to be expended is \$55,965.00 and is based on the valuation of the property in any given county. The agreement expired last year and he has been pushing the Forest Service for a new agreement and they have one in the packet but does not have the attachments yet. He is here today to ratify the expenditure of the money that went into the fund and authorize the chair to sign once he has the attachments included in the agreement.

Commissioner Jankovsky - I recommend that the board approve the payment and to ratify the payment not-to-exceed \$55,965.00 to the Colorado State Forest Service.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

**x. Update from staff regarding general contractor accommodation (contract) - Tari Williams & Jeff Nelson**

**Attachment Contractor Accommodation**

Jeff Nelson gave an update on the Canyon Creek drainage improvement and let the board know they were on schedule. Rich Livingston was present representing Palisade Constructors Inc. and provided information.

Jeff is recommending having Sky Line conduct the work.

Drew informed the board this was not something they needed to vote on; staff thought it was appropriate to bring to the boards attention and put on the record.

Commissioner Jankovsky feels they should follow staff's recommendation on this; they have funds until the project is complete.

**xi. Consideration/approval of Amendment to License Agreement - Lafarge West Inc. - Andrew Gorgey**

**Attachment Lafarge Amendment to License Agr**

Drew explained the next two items were related. This is to approve a license they entered into last fall with Lafarge. The County purchased gravel and Commissioner Jankovsky had questions at the last meeting. Road and bridge suggested private companies for private hauling and that is what the second agenda item is. Drew wanted to talk about both at once explaining the second item is a resolution to enter into simplified transportation agreements with private companies. This resolution would give power to Deb Fiscus to sign agreements.

Commissioner Jankovsky wanted Drew to put in standard language regarding liability insurance and Drew would do that.

Drew - Not a problem.

Commissioner Samson - I would move that we would pass the amendment to said license agreement between Lafarge West Incorporated and us.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

**xii. Consideration/approval of Transportation Agreement (form) Lafarge/Latham Pit - Andrew Gorgey**

[Attachment Reso Authorizing Simplified Transportation Agr and signature authority to R & B](#)

Commissioner Samson - I would move that we pass the resolution authorizing limited signature authority to road and bridge general foreman road supervisor for simplified transportation agreement and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

[xiii. Resolution regarding BLM/EIS/Oil Shale - Andrew Gorgey](#)

[Attachment Reso Opposing BLM PEIS Oil Shale and Tar Sands](#)

[xiii. Resolution regarding BLM/EIS/Oil Shale - Andrew Gorgey](#)

Chairman Martin - This is only to identify land available for leasing not to lease this land.

**Those present and against the resolution:** Gerry Vanderbeck, Allyn Harvey, Bill Hardy, Sarah Johnson, Andrew Schaeneman, John Gorman, Terry Stark, Clare Bastable, Josh Hmielowsk, Rob Nelson, Kat Neumann, Linda Holloway, Dan Becker, Brent Israel, Richard Voltero, Anita Sherman, Judy Fox-Perry, Tres Houpt, Brad Smith, John Hoffmann, Maggie Pedersen, Ken Neubecker, Jean Owen, Mary Russell, Katie Rubel

**Those present and for the resolution:** Bill Smith, Dick Morgan

Commissioner Jankovsky - I'll make a motion that we approve this resolution. I do want to bring one item to the forefront and is that it states that there are 8 trillion barrels of oil available through oil shale development. I think the correct number is 4 trillion. I don't know if you guys would be okay with changing that but I think, it would be appropriate to do so. What are your thoughts?

Chairman Martin - I would say that you need to do a correction to that and you would put a footnote at the bottom saying that would be Garfield County's resolution identifying the potential of that amount instead of what's on the original.

Commissioner Jankovsky - I will make a motion that we approve this resolution as presented, support the other 12 counties that are affected by oil shale, potential oil shale development and Tarsands development and Colorado, Utah and Wyoming and that we put a footnote at the bottom that Garfield County believes that number in the first whereas on page 3 should be 4 trillion barrels of oil.

Commissioner Samson - I'll second the motion for discussion for now. If you would, Tom and John turn to page 4 of the resolution. The 7th and 8th whereas clauses I'm wondering if we could perhaps rework those a little bit. It says whereas the development and production of oil from oil shale has been proven beyond a doubt to be technically and economically feasible. I'm struggling with that especially beyond a doubt and I'm struggling with economically feasibility. The second one there is whereas the same technology to extract oil from oil shale rock is not only economically feasible



but it requires little to no consumption of water. Contrary to the myths, which falsely claim that, oil shale extraction requires large consumption of water resources. I have problems with that because here again economically feasible, I'm not totally sure that has been proven. And as we all know there are some extraction processes that do require water. Some more than others. Now I'm not an expert in that but I know that there are some that require quite a bit of water. I'll tell you if it was up to me, it isn't, but if it was up to me I'd say boys you're not going to do that. You're not going to use extravagant amounts of water to produce oil shale because water is too important to us in Colorado as the west. So I have problems with that and especially where it says contrary to myths, which falsely claim that oil shale extraction requires...I have a real problem with that one. So I guess if you would consent to it Tom I would definitely wipe out the last clause starting with contrary. Contrary to the myths, which falsely claim that oil shale extraction requires large consumption of water resources. I would strike that entirely that clause there. I would probably on the same clause; say...

Chairman Martin - Could you include whereas in some development and production from oil shale rock proven to be.

Commissioner Samson - Strike beyond a doubt.

Chairman Martin - Yeah, but in both of them put in some technology to extract oil from shale rock. That won't read right.

Commissioner Samson - Let's work on the first clause; whereas the development and production of oil from oil shale

Chairman Martin - In some processes because it's not in all processes.

Commissioner Samson - Has been proven to be technologically feasible and strike economically. And whereas this same technology to extract oil from oil shale is not only, I think we just need to strike that. In fact, we need to strike the whole thing.

Chairman Martin - No, because there are some technologies that require a little consumption of water, which you're trying to get too.

Commissioner Samson - We need to put wording in there to that.

Chairman Martin - We're in the same technology to extract oil shale from oil shale rock requires little to no consumption of water.

Commissioner Jankovsky - Would you read that again John.

Chairman Martin - It would be whereas the same technology to extract oil from oil shale rock requires little to no consumption of water. Again you're talking about a technology hopefully we were trying to stay away from science but you're not when it comes to those two items.

Commissioner Jankovsky - And you're going to strike contrary to the myths?

Chairman Martin - Yes, yes.

Drew - Can I re-read those clauses as you suggested. Whereas the development and product from oil shale has been proven to be technologically feasible and.

Commissioner Samson - No, you have to have in some processes. The development and production of oil shale in some processes has been proven technologically feasible.

Drew - Whereas the development and production of oil from oil shale in some processes has been proved technologically feasible and whereas the same technology to extract oil from the oil shale rock requires little to no consumption of water.

Commissioner Jankovsky - I would like to leave economically feasible in there on that first whereas because it's not, if it's not economical feasible it's not going to be done. Are you comfortable with that?

Commissioner Samson - Do you feel that it's been economically proven, economically feasible?

Chairman Martin - I believe there are four processes proving they can do it, economically and that their doing it with their own capital and not taking on any subsidies from the US Government or the citizens. If it weren't technologically and economically, why would they invest their own money into it?

Commissioner Samson - Thinking down the future I guess, the RD&D.

Chairman Martin - They have said that their technological advances are economically feasible. That's why they wish to go forward. If it is sold, they need to invest their own capital.

Commissioner Samson - Which they are doing.

Chairman Martin - And if they fail they are using their own money to fail.

Commissioner Samson - And it's not taxpayer money and everyone needs to understand that.

Commissioner Jankovsky - If you're going to make those changes should we change, as opposed to a footnote, just put 4 trillion barrels of oil in there as opposed to 8 trillion barrels.

Chairman Martin - Again, it's going to be your process that you're only seeing the 4 trillion not the 8 trillion on what you have. If you wish to do that I think we need to change that and a footnote would be kind but. Because there will be a difference of reading when they read it so what is the difference? And the footnotes are coming from Garfield County.

Commissioner Jankovsky - Are the footnotes going to be on these other whereas going to be footnotes as well?

Chairman Martin - I think there needs to something to identify those particular changes as we see them. We're trying to represent what we feel is science and the information.

Drew - Making the footnote from 8 million to 4 trillion is easy if you're trying to retain the entire original language on page 4 and paragraphs 7 and 8 and then redraft them. You can add those in footnotes; that's fine. Keep the original as is and you can put as we have adopted it and put those in footnotes. I do have a question, there are footnotes in there, and endnotes, which do you prefer?

Chairman Martin - One that's going to be read, not just glaze over it. I think a footnote is calling attention to that particular sentence.

Drew - So to make sure that I understand you there will be a footnote on page 3 that clarifies your view that the correct number of barrels of oil is 4 trillion not 8 trillion and there will be one or two additional footnotes on page 4 that retains in its entirety the original language of these clauses, recitals I should say. And in the footnotes indicates how you have adopted them.

Commissioner Jankovsky - I'm comfortable with that. Do we need to restate that resolution?

Commissioner Samson - I think they've got it.

Drew - You need to say as amended.

Chairman Martin - So the motion is as amended to approve the resolution and send it forward. Also as a cooperating agency status, you'll have to take that again to your next meeting.

Commissioner Jankovsky - Yes and I will. At this point as a cooperating agency, we're submitting comments. And the only other thing that I might state is that maybe a separate letter should come out asking for an extension. Although it's in this resolution, I think maybe a separate letter from Garfield County should be sent because May 4th is coming on us quickly. We have in there the reasons that we would like the extension and that's primarily because the oil shale regulations from the BLM are not going to be out until May 15th and I think we could get a letter off immediately to the effect.

Chairman Martin - I think the other one is we could have more time to take also public comment in reference to what the rules and regulations are and include it in PEIS for oil shale and the potential lands for leasing. Knowing what the rules are and what kind of lands your playing with instead of defining the land, and then defining what the rules are going to be may be a little backwards. Define what the rules are, define the land and move forward. My utmost hope is that Congress takes an oversight review of the entire process to make sure that the rules and regulations are being followed properly and we will have the security that as cooperating agencies we will have a good seat at the table, be able to resolve all issues there amongst everyone before we go on and have a final document. That's what the rules say.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Drew asked Tom to work with Building and planning.

## **2. Public Meetings:**

### **a. An Update from the Advisory Committee on Land Use in Garfield County - Larry McCown**

Fred Jarman gave an update on this board; Larry McCown was elected as chair, Sandi Hotard vice chair, secretary duties delegated to county staff. Their meetings will be the first and third Tuesday of each month at 5:30 p.m. in the BOCC room.

### **b. Review of RFPs and approval of a contract for a code consultant to facilitate and draft Phase II Targeted Code Revisions (continued from April 2) - Fred Jarman & Jamaica Watts**

It is staff's recommendation they continue with the RFP process and interview with the top three finalists.

Commissioner Jankovsky - My recommendation would be that we move forward with Winston and Associates and Doug Pratt; that would be my motion but I would like to hear if you or Mike would like to have interviews. I feel it was a good process.

Commissioner Samson - I'll second the motion and my comment to that would be I do not want to have interviews.

Chairman Martin - And the whole idea was to go ahead and put the committee together as we did. Follow the procurement code, make a recommendation to them, get ratification, which you would bring back and that was the motion that the recommendation was. So I think it is appropriate to have it on the table at this time without interview.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

#### **4. Executive Session**

Drew understands that the board has moved 3a from the morning to the end of the agenda and Chairman Martin agreed that was correct.

#### **LUNCH - Noon**

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA: 1:00 p.m.**

#### **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

##### **1. County Attorney Update - Land Use Issues: Andrew Gorgey**

##### **3. Public Hearings:**

##### **a. Consider a Request for a Limited Impact Review for a Land Use Change Permit for a Compressor Station - not subject to Article IX Review, located off of County Road 306, approximately 6 miles southwest of Parachute, at 1600 County Road 306. The Applicant is Energy Transfer, also known as ETC Canyon Pipeline LLC - Glenn Hartmann. This Item was continued from March 12, 2012**

##### **Attachment\_ETC\_WallaceCreek\_supplemental exhibit**

Chairman Martin swore in speakers. Chairman Martin recalled they had Exhibits "A" through "S" at the last meeting. Glenn added Exhibit T; an updated noise impact assessment submitted by the applicant. Glenn also had an updated power point presentation, which he gave. Chairman Martin added to the record that the site visit was done and recorded. No decisions were made and no public testimony was taken. Public came up for testimony; those opposing the application are Scott Nocks, Kim Gross, Frankie Raspberry, and Cecil Raspberry.

Jake Latham replied to remarks and questions from the audience and the commissioners. Craig Strather, operations manager for Energy Transfer addressed Frankie Raspberry concerns on H2S in the area.

Chairman Martin - Do I have a motion to close the public hearing?  
Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Jankovsky - He understands why neighbors are concerned and appreciates their honesty. His biggest concern is the noise created.

Commissioner Jankovsky - I'm going to make a motion to approve this request with these additional stipulations that were added on by staff. I have some concerns in doing that. Maybe before I make that motion I will wait to hear from the two of you.

Commissioner Samson - I think you should probably go ahead and make a motion and I'll second it but I'm really not feeling good about this. But I'll discuss that I guess if you make the motion.

Commissioner Jankovsky - I'll make a motion that we approve a limited impact review for a land use change to permit a compressor station submitted by Energy Transfer Corp. I guess that's on the Canyon Pipeline, ETC and with that I would move that we approve, we have conditions 1 through 19 as were approved by the planning commission. And condition number 20, 22, we would leave out 21 and 22 and I think in number 20 I would move that to say shifting the 2-acre footprint for the compressor station to the northwest as opposed to slightly west, northwest from the current location. Because I think you want as much in that northwest corner as possible. Also to relocate the topsoil, number 22 is to relocate that topsoil, stockpile to the east side of the site. Number 23 we would strike some of that but the applicant shall utilize lower profile tanks for the liquid condensates storage. Number 24 improvements on the site shall be reconfigured or shifted to the northwest and then to maintain a modest buffer strip of native vegetation along the east side of the site adjacent to the existing pipeline disturbance. I'm going to strike 25; I know there is vehicle traffic but one vehicle a day is not a huge amount of traffic. 26 needs some sort, it's in there but it needs some sort of redoing because they were talking about a shutdown once you get to a certain pressure and I don't know exactly how we state that in 26. I guess it states it, provide documentation of their operational plans for the facility that will eliminate the need for pressure relief valves. That states it fine. I'm looking at 20 through 26 eliminating 21 and 25 so that would give us five more conditions of approval.

Commissioner Samson - I'll second the motion.

Chairman Martin - Discussion? I was hoping we were going to be able to come to a mutual agreement that it was going to be necessary and located in a site that would not cause controversy. That was the ultimate goal. And I do have to also say Tom that I do sympathize with the neighbors that are there. They put up with a lot. They supported a lot and unfortunately, they are getting more on top of them. We have always; it seemed

like, worked out through the difficulties, located these compressors or at least took the precautions to eliminate most of the inconvenience. But this one seems to be kind of the straw that broke the camel's back in the neighborhood. I mean that's what we are up against. So we have to make the proper decision on that one.

Commissioner Samson - You know the comment that was made by, and here again I'm not trying to kill the messenger. I go back to the three hour meeting we had that put us behind today on oil shale and the concept of if we are going to develop oil shale and there's a lot of people that no don't develop oil shale at all and there's people yeah do develop oil shale no matter what and others I think the vast majority, or the majority of people well let's look and see if we can do it technologically and economically feasible and so on and so forth. But I made the comment and I draw it into this conversation; I don't think any of the three of us want oil shale developed if it's going to take a tremendous amount of water. We're just going to look at that, say that's not feasible, and that's not a good idea. The comment was made by the neighbors out there; when is enough and I'm looking at that and I'm looking at all these dots in the vicinity and I'm seeing things that are less than 3/10th's of a mile and I'm saying well you got one here and there and there and there. And I'm thinking somebody said well you can put in a pipeline and I don't have a problem with that but no mention of a compressor station and by the way there's several compressor stations and by the way they are pretty noisy. And I guess the one, and I appreciate your bringing up in the report here on the noise management; based on the measured existing ambient noise levels it should be noted that even a fully compliant Wallace Creek compressor station is expected to increase noise levels by a minimum of 10 decibels for surrounding residents.

Subjectively this increase can be perceived as a doubling, a doubling of loudness and may lead to, I'd strike the may, will lead to numerous noise complaints. And the comment comes back to me again; when is enough enough? I think we've reached that. If we have to make a decision, I think we've reached that and we can't continue to do everything in the way of taking care of these situations. I think the three of us have to look at this and say now wait a minute, where is there a line drawn? Are we anti gas and oil? No. But are we going to say anything goes? No! Where's the balance? I think we are tipping the balance here. So that's where I'm at.

Chairman Martin - Well Mr. Samson that's why we also called on Fred and his staff, also the industry, neighbors and all the other folks that are involved in oil gas and say what is our master plan. How are we going to approach all these particular issues from transportation to compressor stations to plants, to power etc. etc. That's still in process; we don't have the answers yet, we don't have a real plan that we can rely upon. But this is one of the examples that we could shall we say solve before it was created with a master plan. We're working on it. We have an issue in front of us; the applicant has done everything possible to go ahead and put the plan together and followed all rules and regulations, P&Z has reviewed it, staff has reviewed it and made recommendations. We had a site visit, we had the neighbors, we've had questions answered and requirements placed on them. Hold on counsel.

Carey - I know you're on a role I just want to make a point of clarification. This is a limited impact review so it has not gone before the Planning and Zoning commission. So you are the public hearing on this particular application.

Commissioner Martin - Yeah, more than just a public hearing. Okay with that correction, it has not gone to P&Z but at least staff has reviewed it and made recommendations. So we have a big decision, Mr. Samson makes a point, Tom makes a point, the applicant has done everything possible and presented everything properly. So, it is a limited impact review.

Commissioner Jankovsky - I stated that right in my motion and I talked about the planning department, planning and zoning commission. These neighbors are not anti oil and gas. They deal with it every day. I sympathize and hear what you're saying Commissioner Samson.

Chairman Martin - If this was to go forward I'm sure that we would have complaints. If it did not go forward, we would have a real dilemma in reference how do we solve some of the issues that we're facing. Both economically as well as physically. The gas company or the midstream folks have a job to do and they were hired by producers to do it. Again, it's going to be a group effort. I don't think its one individual or one neighborhood that's going to solve the problem. It's going to be all of us together.

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	FAILED

Carey - Mr. Chairman, technically we had a motion to...

Chairman Martin - I got that.

Carey - Okay.

Chairman Martin - The motion to deny. I mean the motion to approve was defeated; I need a motion now to deny it based upon the findings.

Commissioner Samson - I would so move that we deny the application for a request for a limited review, limited impact review for a land change permit for a compressor station located off County Road 306 southwest of Parachute at 1600 County Road 306. Applicant being Energy Transfer for the reasons stated from the findings stated.

Chairman Martin - Any discussion?

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	CARRIED

### **3. County Attorney Update: Andrew Gorgey**

#### **[a. Acting County Manager Update - Carey Gagnon](#)**

Carey - Last Monday the board took action for the county manager position; the board decided not to go forward. The board is asking Drew to continue as the acting county manager. Carey has provided an updated letter of engagement for services.

Commissioner Jankovsky - I'll make a motion that we approve this letter of engagement of services for Andrew Gorgey as acting county manager as presented and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**a. Acting County Manager Update - Carey Gagnon**

Drew wanted to inform the public and stress that the last 90 days or so have been a period of action and the next period of time will be a period of action. He gave an update on county administration.

**a. Commissioner Reports**

Commissioner Jankovsky wanted to go back to oil shale. They came up with resolution and will submit to BLM and a letter. He skirted on some issues that haven't been addressed through the document and he doesn't know if it takes another letter with more comments from them. He continued to talk about the acres, the EIS question, environmental justice, and social economics. Even with the resolution he is not convinced they commented on all of it.

Chairman Martin explained if they get a time extension Commissioner Jankovsky would have to bring up all those issues and resolve all of the issue before they go forward with the record of decision.

Commissioner Samson asked if they could have executive session to talk about negotiations on property.

It was decided he and Drew would meet individually.

**b. Commissioner Calendars**

Commissioner Jankovsky - Tomorrow a work session; 8:00 a.m. to 10:00 a.m. Human Services on the 11th and Garfield CLEEN Energy on the 11th, in Silt Fire Station on the 11th Soil Conservation and dinner.

Commissioner Samson - They want the commissioners input on Mr. Sopris, Book Cliff and South Side.

Commissioner Jankovsky - AGNC meeting on the 12th at 10:00 a.m. he will have to leave by 2:00 p.m. for a 3:30 p.m. GOCO meeting in Glenwood.

Drew cautioned them if all three were going to be there. AGNC is their central group; it is not a problem for them to be there together, just make sure their discussions don't constitute a meeting on that or any particular point. Commissioner Samson will have the vote within AGNC; just make sure the three of them don't make a meeting here. They should probably notice their presence there and Drew will have that done.

Commissioner Jankovsky is in Denver on Friday.

Commissioner Samson - 3:00 p.m. will meet with Mayor Miller for information on oil shale; he thinks the Rifle City Council is meeting that night.



Commissioner Jankovsky - They are having a special meeting on the 25th on oil shale. Commissioner Samson thought it was the 10th. For Drew's information there, is a Fair Board meeting tonight?

Drew - Tomorrow night and he will be at the Garfield County Finance Authority.

Commissioner Samson assumes it is at 6:00 p.m. and he will cover that. He will start teaching his fifth graders Wednesday the 11th. There is a Federal Mineral Leasing meeting at 1:00 p.m., Wednesday, Soil Conservation meeting that night, AGNC on Thursday, and Colorado Mesa University.

Chairman Martin reminded them they needed a representative for the New Castle library opening on Saturday.

Commissioner Samson - Drew is there; he has notes for him.

Chairman Martin - Community corrections on the 12th at noon at the Ramada.

Drew had two updates for them on ComCor; the board had asked in advance for the site visit from GOCO that a portion of the trail be tended to by the weekenders, he thinks that happened today. On the community corrections board, Rodney is aware that the board would like nothing less frequent than quarterly reports from the ComCor board. He has sent Kate Johnson from time to time; but in terms of their legal needs, she is on call.

Chairman Martin explained they need the financial aspects and a report back to withstand audits.

Drew - Rodney will report in May on the financials.

Chairman Martin - Three things tomorrow; work session, represent the county on an emergency request from r. Dragon in Denver, NRCS which is dealing with the review and rewrite in the Right to Farm handbook. Donna Gray was the author who is doing a revision if necessary along with the intern of the NRCS. There is a meeting tomorrow at the Glenwood Springs field office at 1:00 p.m. Lastly NRCS on Wednesday night at 5:30 p.m. Silt Fire Station.

Drew had a question about the Finance Authority Board; they have two non-profit corporations who stand on the other side of their financing transactions. The Garfield County Finance Authority is on the other side of the transaction for this building and Hunter Mesa and the Garfield County Building Corporation sits on the other side of the transaction for the jail. The issue is once the buildings have been purchased pursuant to the lease purchase agreement, whether or not the authority should continue to exist. That is a decision that the board, their board, would make. But do they have any input on that? It's better to have it and not need it than sunset it and have to form another one.

Commissioner Jankovsky - Would either of those groups help them with their financial items they talked about investing and those types of things.

Drew felt that was a terrific idea. They already have citizens who demonstrated interest and knowledge in finance.

Commissioner Samson - One last thing; the "road master", the person who is going to do the roads for the county, are we going to contract out?

Drew has given them a long list of things that are in progress. There are other things they need to just step back on for a little bit. The road research team has held, he believes, three meetings simply to try to identify the scope of the project. The industry thinks the county's budget of \$100,000.00 is inadequate. The Supreme Court of

Colorado denied review to the Gypsum Ranch case; which means the court of appeals opinion in that case is now the State of the Law. He would like to read the opinion more carefully and come back to them with a better summary. But the essence of it is; landowners on either sides of the state road claimed mineral interest in the minerals under the road and the court disagreed. Another words sided with State Government. He would like to review the case and give them a full report. It may or may not have relevance analyzing minerals under county road.

Chairman Martin thinks they can contract out and renew it if they need to continue it. But they need an inventory of the county and the roads. He thinks they could get it done by the end of the year.

Drew doesn't see that; their inventory of country roads, you have an inventory of county roads now and have had for some time. The HUTF list for example and the project as he understood it goes beyond that. They are looking for title searches for sections of roads, section by section and ideally, at some point in the future they would have a complete inventory including title history. Which changes daily, by the way, as properties change hands proving the extent of their ownership of everything they are claiming to be county road?

Chairman Martin - We need to get started on inventory. HUTF doesn't show actual ownership.

**c. Approval of Minutes**

**d. Commissioner Agenda Items**

**ADJOURNMENT**

*April 10, 2012*

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**SPECIAL WORK SESSION**

**a. 8:00 a.m. Local Regulation of Medical Marijuana - Fred Jarman**

[Attachment Medical Marijuana](#)

[Attachment Draft Medical Marijuana Regulations](#)

Fred Jarman provided a Power Point for Regulatory Medical Marijuana.

**Next Steps**

May 9 – Planning Commission Public Hearing

June 4 – Public Hearing with the Board of County Commissioners

Carey Cagnon including licenses gave summary of significant events HB1284; she gave a Power Point covering state law and nothing locally.

Policy decisions for the Board by July 1, 2012

**Direction from the Board**

Interested in moving forward with a Resolution not before the Planning Commission and the open Public Hearing with the Board and considering licensing scheme.

Issues - Type of regulations

### **BOCC Discussion**

Chairman Martin - Zoning and industrial minimal standards with our ULUR; minimum state requirements. This could be a federal challenge someday.

Commissioner Jankovsky - Same use in zoning. What type of fees in Building & Planning?

Fred – A - Limited \$400 deposit and B - Permit Cost

Commissioner Jankovsky – The rural areas would be the associate area for a dispensary.

Carey – That was not part of the state law, neighboring counties have part of the permissible uses.

The voters decided and it was approved.

Commissioner Samson – Carey, I am leaning toward a limited impact review; what other counties have done this in the state. Make comments, why and what changes so we do not have to reinvent the wheel.

Fred - Eagle County has some regulations and we will continue to look at others.

### **Public Comments**

Justin Rambo

Peter Fontanel

Quinn Whitten

Laura Mathen

Kent Klepizier

### **Commissioners Input**

Commissioner Jankovsky - Lot of work to do and come up with zoning regulations, commercial limited and industrial with restrictions and there is not a lot of land available.

Commissioner Samson - Break down to proposed zones in the large counties.

Fred will present more information; it can be restrictive; it's in your discretion. We could provide an analysis to you.

Commissioner Jankovsky – We have one through the moratorium and continue to grandfather in but we want to make sure they are legal and can stay.

Fred – This is no different from any other land use; prove to you that they have been doing it and existed prior to laws or moratorium; it is a legal non-conforming use.

Provide evidence before laws that said they couldn't be there. Stay forever. The critical part is to not grow beyond the limit they are at now.

### **Direction**

Commissioner Jankovsky - Move forward, okay to and inform of the meeting on May 9 to the Planning Commission. We would have another work session to come back to you and revisit this before the July 1 deadline. It is a work in progress.

Drew – As your counsel we have had 4 or 5 speakers and full of legal points. We can make place-marker to respond to each one. The challenge will be execute the will of the voters. When this goes to the Planning Commission, they will address points of concern, proceed and hear in more than one meeting.

Carey - Agrees and this is excellent direction. Question the local verifications for the state for existing before the moratorium.

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Carey - Agrees and this is excellent direction. Question the local verifications for the state for existing before the moratorium. \*\*\*\*\*

**April 16, 2012**

## **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

### **ROLL CALL**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

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

Speaker - Mike Kishimoto from the Natural Conversation Service regarding some of the work done last summer referencing the Sievers and Chambers property on Elk Creek and the Cline Top Ditch, which was flooded due the high water runoff. Some of this may affect the County. A meeting is set for tomorrow with Road and Bridge. Mike stated he had been unsuccessful in obtaining federal funding for the work needed. I want to go forward but am not able to commit funds, as there is none available from the federal government.

### **REGULAR WORK SESSION:**

#### **1. 4th amendment to the 2012 Budget - Ann Driggers**

#### [Attachment Fourth Amendment to 2012 Budget](#)

Ann Diggers submitted the 4th amendment.  
Evidence of notice was submitted and accepted.  
Ann submitted Exhibit A that details the amendments.

A motion was made by Commissioner Samson - I would move to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

A motion was made by Commissioner Samson - I would move that we approve the 4<sup>th</sup> Amendment to the 2012 approved budget as presented.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**2. [Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.](#)**

- a. **Approve Bills**
- b. **Changes to Prior Warrant List**
- c. **Authorize the Chairman to sign a Resolution of Approval and a Land Use Change Permit for a Major Impact Review for a Material Handling and Solid Waste Transfer Facility known as the Encana North Solidification Facility, located approximately 11 miles north of Parachute and two miles northeast of the end of County Road 215. Applicant is Encana Oil and Gas (USA) Inc. - Glenn Hartmann**

[Attachment Encana North Solidification Resolution and Land Use Change Permit](#)

- d. **Authorize the Chairman to sign the Land Use Change Permit for a Limited Impact Review for a Communication Facility - Telecommunication Tower at the Hunter Mesa - Encana Site, Located approximately 5.4 miles southeast of the City of Rifle off of County Road 319. The Applicant is Benzel Land LLLP in conjunction with Encana Oil and Gas (USA) Inc. - Glenn Hartmann**

[Attachment Benzel Encana Land Use Change Permit](#)

- e. **Authorize the Chairman to sign a Resolution Concerned with the Denial of a request for a Limited Impact Review, Land Use Change Permit, for a Compressor Station - Not Subject to Article IX Review, Located off of**

County Road 306, approximately 6 Miles Southwest of Parachute at 1600  
County Road 306 on Property owned by Larry D. Knox, known as the  
Wallace Creek Compressor Station. The Applicant is Energy Transfer, also  
known as ETC Canyon Pipeline LLC - Glenn Hartmann

[ATTACHMENT RESO ETC WALLACE CREEK DENIAL](#)

- f. To authorize the Chairman to approve the Scope of Work for Professional Engineering Services for Mountain Cross Engineering and Resource Engineering for 2012 - Fred Jarman

[Attachment Scope Engineering Services](#)

- g. Approval of license to allow Cheatgrass Field Study on Public Property - Betsy Suerth

[Attachment License to Allow Cheatgrass Study](#)

- h. Authorization of payment pursuant to release and settlement agreement, Robert Zelenka - Andrew Gorgey

[ATTACHMENT ROBERT ZELENKA RELEASE AND SETTLEMENT](#)

Chairman Martin - Do I have a motion to approve the Consent Agenda?  
A motion was made by Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**3. County Manager Update**

**a. Human Services Commission: Youth Zone Update**

Lori Mueller and Gretchen Overn gave the update, a handout and some good news. Gretchen Overn - Garfield County PEP-Coordinator, PEP meaning the Personal Education Program gave news about a federal grant to three counties including Garfield County with the intent of lowering teen pregnancy and teen sexually transmitted diseases.

**b. Board of Human Services: Mary Baydarian**

[Attachment DHS 1](#)

[Attachment DHS 2](#)

[Attachment DHS 3](#)

[Attachment DHS 4 Program Reports](#)

**i. EFT/EBT Disbursements**

A motion was made by Commissioner Jankovsky - I will make a motion that we approve the EBT/EFT disbursements for March in the amount of \$977,084.02 and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**ii. Consideration and Signature Approval on the Northwest Area Agency on Aging Grant Application for Caregiver Support and Senior Services/Equipment Programs**

The Department is requesting the Board's approval and signature on the State Fiscal year 2012 application for the continuation of the Caregiver Senior Nutrition Program. The amount requested is \$138,831.

A motion was made by Commissioner Jankovsky - I will make a motion that we approve the Northwest Area Agency on Aging Grant Application for Caregiver Support Services/Equipment Programs for \$138,831 as presented and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**iii. Consideration and Signature Approval on the Northwest Area Agency on Aging Grant Application for Garfield County Senior Nutrition Program**

Mary submitted the Northwest Area Agency on Aging Grant Application for Garfield County Senior Nutrition Program for a request of \$132,744.40 with (\$23,514.19 in-kind).

A motion was made by Commissioner Jankovsky - I would move that we approve as presented for grant and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**iv. Agreement to Purchase Out-of-Home Placement Services SS23A**

A motion was made by Commissioner Samson - I move we approve the grant agreement between the State of Colorado Department of Local Affairs and Garfield County Third Way Placement and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote



Mike Samson      Tom Jankovsky

**v.      Consideration and Signature Approval on Grant Agreement Between State of Colorado Department of Local Affairs and Garfield County**

A motion was made by Commissioner Samson - I would move that we approve the Grant Agreement between the State of Colorado Department of Local Affairs and Garfield County for the Traveler Services and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**vi.      Consideration and Signature Approval on Signature Authorization Letter to Colorado Department of Local Affairs**

This will allow Mary Baydarian to sign the letter to DOLA on quarterly reports.

A motion was made by Commissioner Jankovsky - I will make a motion that we approve signature approval on the Signature Authorization letter to Colorado Department of Local Affairs and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**vii. Program Updates**

Commissioner Jankovsky - One question on temporary services in the budget. Mary explained the details.

**c.      Board of Health: No Items**

**d.      Public Meetings:**

**i.      Downtown Development Authority discussion of joint project opportunities - Leslie Bethel**  
**Attachment DDA**

Chairman Martin - This regards a joint project and opportunities; it goes back to the purchase of property carved out of a parking lot that the County and City agreed upon improving. We just need to move forward with it.

Leslie Bethel Executive Director for the Downtown Development Authority (DDA) and council liaison Todd Laely presented a Power Point. The goal is for better working relationships between the City and County. The DDA is the best way to work for projects especially in the downtown area of Glenwood Springs.

**ii. Request for continued financial support of \$25,000 per year for 2012-2014, Roaring Fork Business Resource Center - Randi Lowenthal**  
**Attachment RFBRC**

Randi Lowenthal submitted a request for \$25,000.

A motion was made by Commissioner Jankovsky - I will make a motion that we fund the Roaring Fork Business Resource Center for \$25,000 for your 2012, that is a budgeted amount in the Economic Development Budget for the County and that we then for 2013 and 2014 look at supporting that and depending on if those funds are continued to be budgeted.

**Discussion**

Commissioner Samson - And I would add that in conjunction with what we're going to do with Hill Aveium and the plan that will work out there is going to be a big part of that. Randi - And If we can help that's the kind of thing exactly, I would love to be part of those discussions whatever piece it is and however you see it and if we can be helpful. Commissioner Jankovsky - I would just like to say there is a macro at least for the County, have one EDC, one in the County, we have the Roaring Fork Business Center at the other end of the county. I do think at this time we need to provide some sort of a communication bridge for those groups so we can be one county.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**Discussion**

Drew - Commissioners, to add for clarification even though it is budgeted it is approved now that you have approved it and we have a short form, not a grant agreement in your case but something short to reduce it to writing to help the Procurement Department, County Finance and everybody.

**iii. Grant Request for 2012 Summer of Music - Jim Neu**  
**Attachment Summer of Music**

Jim Neu, Gayle Mutall and Chris Bank submitted a grant request for \$15,000. A motion was made by Commissioner Jankovsky – I will make a motion that we approve the grant request for 2012 Summer of Music out of Commissioner's Discretionary Grant Funds.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**Clarification of Discretionary Funds**

Drew Gorgey - I just wanted to clarify before moving to the next item; after the consent calendar for this morning and your grant to the Summer of Music the balance in your discretionary fund at present is \$765,586.00. I misspoke for clarification about sources of funds. What we're calling grants and what we're not; the first concept is that budgeted funds are not necessarily appropriated expenditures until you say they are. The source of funds for the Randi's group, RFDC as well as the Rifle Regional Development Center both are coming from your Economic Development Fund as was the fund for the 5-points Film Festival. Strictly speaking, those are grants out of the Economic Development Fund; they are just coming from a different fund. Everything else, our grant fund agreement is from your Commissioners Discretionary Fund, all the ones I just named get the short form grant agreement we just specify the funds.

**iv. Funding request for hydroelectric study, Silt Water Conservation District - Kelly Lyon, Rick Aluise & Sean Melo**  
**Attachment Silt Water**

Kelly Lyons, Lyndsy George, Dick Rhodes and Wes Mose presented the request for \$25,000 for the hydroelectric study.

A motion was made by Commissioner Jankovsky - I will make a motion that we approve the funding request for hydroelectric study, Silt Water Conservation District for \$25,000 and the funds go out of the Commissioners Discretionary Funds.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Drew – The balance is now \$745,086.00 in your discretionary funds.

**v. Colorado River District quarterly update - Dave Merritt**  
**Attachment Water Conservation Update**

David Merritt gave the update and as requested and gave opinions on the Flaming Gorge Pipeline.

Chairman Martin – Commissioner Jankovsky is heading this and if you would work with Drew and Tom on the Ruedi water situation, it would be helpful.

**vi. Flaming Gorge Pipeline resolution update - continued from April 2**  
**Attachment Reso Opposing Flaming Gorge Pipeline**

The resolution submitted and the Board discussed this indepth. This was continued to listen to Mr. Merritt as our representative on the Colorado River Water Conservation District. Dave has brought issues forward as well as Commissioner Samson. Commissioner Samson - It is important to read the Resolution for the benefit of the audience of opposition and he did so for the record.

A motion was made by Commissioner Samson - I would move we approve at this time the Resolution opposing the proposed Flaming Gorge Pipeline.

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	CARRIED Jankovsky - Nay

### **Discussion**

Commissioner Jankovsky - I agree 100% with Mr. Samson; I do not like West Slope Water going to the East Slope. However, I am concerned about this being premature.

Chairman Martin - Commissioner Jankovsky, you are not moving it forward.

Commissioner Jankovsky – I am opposing the Resolution.

Chairman Martin - My views are that we need to concentrate on the waters on the Western Slope and keep them here as much as possible. I understand the proposal but I still see it as a long strung out process, many many years and hundreds of millions of dollars to get it accomplished.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	Carried Jankovsky - nay

### **Discussion**

Chairman Martin - So you are not moving this forward.

Commissioner Jankovsky - Yes, I am opposed to the Resolution.

Chairman Martin - My views are that yes we need to concentrate of water on the Western Slope and to keep them here as much as possible. I understand what the proposal is but I still see it as a long strung out process of many years and hundreds of millions of dollars to get it accomplished.

### **vii. County Fair Update - Levy Burris & Krista DeHerrera**

[Attachment County Fair Update](#)

[Attachment County Fair Budget](#)

Levy Burris and Krista DeHerrera gave the Fair update. Betsy was present.

### **viii. Request for approval of and authorization for the Chairman to sign agreements with Mesa Youth Service, Inc. d/b/a Western Colorado Conservation Corps and Rocky Mountain Youth Corps - Gene Duran and Steve Anthony**

[Attachment WCCC RMYC](#)

Steve Anthony and Gene Duran gave the presentation and submitted a request for two contract of \$80,000 each with Colorado Conservation Corps for crews to work this summer on trails and noxious weeds.

A motion was made by Commissioner Jankovsky - I will make a motion that we approve the contract for \$80,000 each for the Mesa Youth Service, Inc. d/b/a Western Colorado Conservation Corps and Rocky Mountain Youth Corp and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**ix. Request for approval and authorization for the Chairman to sign a renewal of the Intergovernmental Agreement with the Lower Valley Fire Protection District -Gene Duran and Sheriff Lou Vallario**

Attachment Lower Valley FPD IGA renewal

Gene Duran and Sheriff Lou Vallario submitted a request for \$17,000 and the IGA for the Lower Valley Fire Protection District, a renewal contract.

A motion was made by Commissioner Samson - I would move that we would approve the \$17,000 and the IGA with the Lower Valley Fire Protection District to provide wildlife mitigation and response services.

**Discussion**

Commissioner Samson - I would hope we wouldn't need that very much but I have a feeling we are going to need it quite a bit this year.

Chairman Martin – Yes, I think they will be on top of it; additionally we need to contact the property owners up there that do all kinds of agricultural purposes as well as the industry. I hope we will be on our guard.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**x. Request for approval of and authorization for the Chairman to sign an agreement with the Garfield Clean Energy Authority - Gene Duran**

Attachment Garfield Clean Energy Authority

Gene Duran and Tom Baker presented the agreement and a request for \$155,000 appropriated in the 2012 budget.

A motion was made by Commissioner Samson - I'd be happy to make a motion that we approve this grant to Garfield Clean Energy Collaborative in the amount of \$155,000, which are funds appropriated in the 2012 budget and authorize the chair to sign.

**Discussion**

Drew -This comes out of the governments fund the same as earlier budgeted, now appropriated, if you approve the motion.

Commissioner Samson - I was going to ask Tom B. if he has any update and collaborative as we're trying to work with Weld County etc and CNG filling stations. Do you have a quick update?

Tom B. - No, we're just continuing. I suspect you had an update on Friday's meeting.

Commissioner Jankovsky - No, not yet.

Tom B. - I can give you an update. He provided the Commissioners an indepth report on the meeting.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Drew - The Oil & Gas Liaison, fleet manager and Motor Pool manager both participated and presented in the comments. I asked the oil and gas liaison to present a summary. He did but we cannot download it.

**xi. Request for approval of and authorization for the Chairman to sign an agreement with River Valley Survey, Inc. for as needed services as County Surveyor - Gene Duran**  
Attachment Surveyor Agreement

Gene Duran provided the Board on Procurement's consistency in actions from year to year on how agreements are executed. He presented the agreement for surveying.

A motion was made by Commissioner Samson - I would move that we authorize the approval of an award of a contract in the amount of \$22,500 to River Valley Survey, Inc. for discretionary as needed services throughout Garfield County and authorize the chair to sign.

**Discussion**

Commissioner Jankovsky - Those funds would then come out of the Surveyor's budget is that correct.

Gene - Yes.

Chairman Martin - We approved it in his budget.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote

**4. County Attorney Update: Andrew Gorgey**

**a. Consideration of intergovernmental agreement/lease, Comingle Recycle location, Rifle, CO, with authority to Chair to sign - Andrew Gorgey & Betsy Suerth**

Drew - This is not in your packet; it is still at the direction of the staff stage and Betsy can start the update.

Betsy explained the meeting with Rifle to start a comingle recycling center.

Drew - The City Attorney has forwarded a draft IGA. He explained some of the issues that needed to be worked out with the City of Rifle. You will be seeing Rifle on this Wednesday evening so we can bring that up.

Chairman Martin - Direction given to bring that forward as ideas.

**b. Use of Garfield County Courthouse premises - National Day of Prayer on May 3, 2012 - Andrew Gorgey & Betsy Suerth**

Drew - The commissioner's stand for the people as owners of all county property and frequently you will have a request to use county property. We do not have any form or process; people come in and ask for use. The Board is the ones with the authority to say yes or no.

A motion was made by Commissioner Samson - I would move that we grant the National Day of Prayer group the right to use the Garfield County Courthouse premises on May 3, 2012, Thursday from noon to 1:00 p.m.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**LUNCH - Noon**

**COMMENTS FROM CITIZENS NOT ON THE AGENDA**  
**REGULAR AGENDA: BUILDING & PLANNING ISSUES**

1. **County Attorney Update - Land Use Issues: Andrew Gorgey**
  - a. **Garfield County Housing Authority rental development partnership proposal - Geneva Powell**  
Attachment Garfield Housing Authority

Geneva submitted a letter in the Board's packet for a tax credit proposal for rental units as a development proposal.

Chairman Martin - This sounds like a workshop would be needed.

Drew would appreciate a work session. Everyone needs to be aware of the impact.

Chairman Martin - Suggested Geneva get with Drew to set this up and bring the Assessor, school district members and other folks for a discussion.

- b. **Consideration/approval of IGA for provision of administrative services in connection with the Garfield County Affordable Housing Program and the Foreclosure Prevention Counseling Program - Kate Johnson**  
Attachment IGA Housing Authority Affordable Housing

Geneva Powell and Kate Johnson presented the annual IGA we have had for 11 plus years.

Kate - The contract is for \$120,500.

A motion was made by Commissioner Jankovsky - I'll make a motion that we approve the IGA for provision of administrative services in connection with the Garfield County Affordable Housing Program and the Foreclosure Prevention Counseling Program, the

amount for the Housing Program is \$102,500 and the amount for the closure prevention counseling is \$10,000 and allow the chair to sign.

### **Discussion**

Commissioner Samson - It is interesting only 4.5% have ended up in foreclosing.

Geneva - Some had to do a short sale but they didn't go through the full-blown foreclosure process.

Commissioner Jankovsky - I appreciate the foreclosure part in there, as it is very important.

Geneva - We also think there is money coming from the State of Colorado from the five big banks that settled wrongly on some foreclosures and the State of Colorado is getting several million dollars on that and at the state level they divided it up that some of it would go for counseling. We've been in contact with the Grand Junction Housing Authority to ramp up what they are doing in Garfield County for us. Right now, they do take phone calls at their office and see people whenever they set up appointments. They come to Garfield County twice a month. They will start trying to come one a week now with the new money and then our partnership with that we'll have to pay some of their expenses to come even though they are going to get more money to ramp up what they are doing. They are looking at expanding into Delta and the Montrose area where there's not a HUD certified foreclosure counseling. There are two certified foreclosure-counseling agencies on the Western Slope.

Commissioner Jankovsky - I think when we have 700 homes on the foreclosure list last year and we have 600 this year. When people are having to deal with this and trying to wade through it, big banks are as bureaucratic and unresponsive because the federal government may be more so; I think it's important and it helps people to address what's going on instead of trying to hide from it.

Geneva - We're getting a lot of positive feedback and we've been able to put all those zip codes in Garfield County on there so when they call the generic hotline it actually rings if it's coming from those codes in Garfield County it actually rings in the Grand Junction Housing Authority instead of the call being lost somewhere on the Front Range.

Commissioner Jankovsky - Has the Grand Junction Housing Authority been responsive?

Geneva - They have had to cut back, they were taking two out of three calls going to them because they were getting such heavy volume of calls. They have the ability to adjust that and some calls may go to the Front Range if they are getting too busy with the staff they have. They are getting ready to hire another counselor and get him or her up to speed so I think we'll get even more service than we've had. In 2011, we started in March with them and we didn't pay a whole lot of the administrative burden because we didn't have the funds to do so. So they did it for us in 2011 to see what the need would be. In 2012, the need has ramped up so they see the need and are willing to share that person with us and they are charging more of an administrative fee. Alpine Bank has contributed to this in 2011 and 2012. We have also received funds from Vectra Bank. We have applications in with US Bank, Wells Fargo and American National Bank but we haven't received any funds yet. We, the Housing Authority, take no administrative fee to have this program, any money we get goes into an account and if we don't spend it all in 2012 paying the administrative services to Grand Junction, it will carry over and pay



for the 2013, if that's okay with the Board. We anticipate now that we are going to owe them \$12,000 for 2012.

Commissioner Jankovsky - Have you had any complaints about the Housing Authority as far as the job they do?

Geneva - No. Wednesday of this week, the counselor is coming and speaking with the Glenwood Springs Realtor Association at their luncheon about the program. Last year we did a workshop with the realtors through the counselor to talk to them about foreclosure counseling and the people they see and how they can refer people to the counselor.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**c. Regarding redemption of COPS 2001 series, Termination of Capital Projects lease purchase agreement, termination of ground lease agreement and related documents with authorization for Chair to sign - Andrew Gorgey & Ann Driggers**

**ATTACHMENT TERMINATION OF CAPITAL PROJECTS LEASE PURCHASE AGREEMENT**

**ATTACHMENT TERMINATION OF GROUND LEASE**

Ann Driggers and Drew Gorgey presented, explained the attachments and asked authority of the chair to sign with the additional conditions and the chair be authorized to execute any and all related documents in this or substantially similar form.

A motion was made by Commissioner Samson - I would so move.

**Discussion**

Commissioner Samson - It is a good thing.

Commissioner Jankovsky - I'm happy to see this happen.

Chairman Martin - We have a couple more purchases and buildings, we can go through this but it will take a few more years to get the option to pay off that indebtedness.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**Discussion**

Drew - On that note, the entity that stands on the other side of the financing of the sheriff's office and jail is the Garfield County Building Corporation. Like the Garfield County Finance Authority, they have not had a reason to meet for some time. The finance department and your county attorney's office are coordinating a meeting of that group just to make sure they are up-to-date with their Secretary of State filings and

make sure we monitor that transaction. There will be an opportunity to pay those off early also. We will plan for that and make you aware when it happens.

Commissioner Jankovsky - What year will that be to pay these off.

Ann Diggers - I believe it is 2015.

Chairman Martin - We're trying to be debt free. We need to make sure we have that budgeted and be able to accomplish that goal.

Drew - You have refinancing options too.

Chairman Martin - We'll have to weigh that to see what benefit it is to us to save in interest payments, etc.

**d. Direction to legal staff on River Edge Colorado Memo of Understanding, Cattle Creek and SH 82, and related improvements, with authority to Chair to sign - Carey Gagnon**

Rocky Shepherd present.

**Direction to legal staff**

Chairman Martin - We are trying to stay within that and address the number one most dangerous intersection. We have identified this for 2012 projects. My concerns are when you are going to go forward with your process. We need to address this now. We'll share with you our design and coordinate with you on what needs to be done on your side as you see it but you will end up paying for it.

Rocky - The portion on our side.

Chairman Martin - Your proportionate share staying within the condition of approval. Jeff is getting ready to send the east side to bid. We need to have your attorney, engineer sit down with us and decide. We'll design something you will be proud of.

Carey - The intent would be not to negotiate the terms of the MOU now. I need to know what my negotiation points were going back to Mr. Shepherd's counsel.

Chairman Martin - To answer Commissioner Samson's question, I think the County should take the lead to get things accomplished.

Carey - I did get the direction that I needed; I will go ahead, revise the MOU, and continue to work with Carbondale Investments counsel and it will come back to you before it is finalized. I think we will hold off on the RFP until the MOU is finalized.

**2. Public Hearings:**

**a. To consider a request to amend a Preliminary Plan and a PUD applications for Lake Springs Ranch Subdivision on a 459 acre site located off of County Road 114 (File Nos. PDAA 6894 and PPAA 6895). The Applicant is The Berkeley Family Limited Liability Limited Partnership - Molly Orkild-Larson.**

[Attachment Lake Springs Ranch application large file template](#)

[Attachment Lake Springs Ranch Staff Report](#)

[Attachment Lake Springs Ranch Exhibits G through Z 2](#)

[Attachment Lake Springs Ranch Exhibits AA through JJ](#)

Tim Malloy representing the Berkeley family in the Limited Liability Limited Partnership owners who are Marcie (Lacy) and Michael Berkeley, Roger Neil and Dan Dennison of High County Engineering are here to answer questions.

Carey determined the notification requirements informed the board they accomplished notice and could proceed.

Chairman Martin - Swore in the speakers.

Molly read the Exhibits A - KK into the record, Chairman Martin accepted for the record.

Molly gave her presentation and Power Point.

Tim Malloy explained and provided the board with some background. He also mentioned the number of affordable housing units and the plan submitted states Article 8 to define quantity until final plat.

The Commissioners asked several questions on the application and the conditions.

The applicant requested the affordable housing units should be 10% not 15%.

A motion was made by Commissioner Jankovsky - I make a motion to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

A motion was made by Commissioner Jankovsky - I will start with a motion that we approve the request to amend the Preliminary Plan and PUD applications for Lake Springs Subdivision on a 459-acre site located on CR 114. The applicant, Berkeley Family Limited Liability Limited Partnership and we would have conditions of approval as presented with changes to follow as presented by Planning Commission: #'s 1 through 34 and the PUD Amendment No. 1, Item #2 being changed as per the staff recommendations, item # 7 being stricken. I will leave #14, but it's ambiguous. Item #19 being stricken, item #20 being the suggestions submitted by the applicant and submittal # KK the page 3 the very last thing that would be my #20, #21 changed per the staff's recommendation.

# 27 would be changed per staff's recommendation, add item #D, which would be identify any access easements for adjacent property owners, item #33 would be per staff's recommendation, and PUD amendment would be per staff's recommendation. Clarification: I struck two items and then picked up these other items though the staff's recommendations and one item #20 the recommendation of the applicant.

### **Discussion**

Commissioner Samson - Question on #27, did we have language pertaining to a footnote to the plat concerning the access through the road there.

Commissioner Jankovsky - I added #D there on #27, which would be identifying any access easements to adjacent property owners.

Chairman Martin - Counsel, you had clarification on the motion.

Carey - A request for clarification, there are recommended findings on page 27, is it part of your motion that you are adopting those findings as well.

Commissioner Jankovsky - Yes, items #'s1 - 6.

Molly - You are proposing to strike #7?

Commissioner Jankovsky - That was my understanding from counsel that had been taken care of.

Carey - That is correct.

Commissioner Jankovsky - The two items I struck were #7 and #19.

#### *Affordable Housing*

Chairman Martin - We could upset counsel if we wanted to say we wanted to reverse our overall stance on affordable housing.

Commissioner Jankovsky - I don't want to the applicants have gone through enough expense at this point and I don't, although it's better for us to stay with it the way it is.

Chairman Martin - Even though we'd like to change it.

Commissioner Jankovsky - I totally agree with the 10%.

#### MOTION

Commissioner  
Tom Jankovsky

#### SECONDER

Commissioner  
Mike Samson

#### VOTE

UNA by roll call vote

### **COMMISSIONER ISSUES**

#### **a. Commissioner Reports**

#### **b. Commissioner Calendars**

Commissioner Jankovsky - Human Services Award dinner tonight; Wednesday, I have a phone conference with Club 20 concerning oil shale; 10:00 a.m. Work Force meeting and then we have the oil shale at the Rifle City Council meeting and I have a RAMPA meeting.

Chairman Martin and the Commissioners will attend the oil shale meeting at the City of Rifle Council meeting at 6:30 p.m.

Commissioner Jankovsky - The 20<sup>th</sup>, I have a trails meeting in the morning, just giving an introduction at the Hotel Colorado; the Children's Parade called me and wanted a Proclamation from us. It was too late when I got the message to make that Children's Day. On the 24<sup>th</sup>, I am going to Vernal, the sage grouse meeting and there is going to be a press conference at 10:00 a.m. concerning all the county's oil shale resolutions passed by the counties. Then at 11:00 a.m., it will be a meeting to discuss oil shale and sage grouse. Then on 30<sup>th</sup>, 1<sup>st</sup> and 2<sup>nd</sup> I am going to participate in the morning RE1 selection committee for their new superintendent. I did want to bring to everyone's attention on the 9<sup>th</sup>, Human Services Commission in Rifle at the Library and they asked all three of us to attend. They would like to talk about and get information on what the grant fund is going to be for the next year, they would also like to have economic development information on what we see happening in the next 3-years, part of that being, do we see a downturn potentially on property taxes because of gas prices.

Chairman Martin - Not because of gas prices but because of foreclosures and sales most likely.

Commissioner Jankovsky - But that was because natural gas prices at all the lowest level they've been. That is an open meeting for us and I would like to have Ann there to cover some of those.

Commissioner Samson - Is that the only staff you'd like to have there?

Commissioner Jankovsky - It would be good to have Drew there as well and the three of us and we're not going to make any decisions, it is strictly going to be an open forum but we can talk back and forth with them and get to know them better. That will start at 9:30 a.m.

Drew - If the three of you will be there, we'll make sure it's noticed.

Drew will make sure noticed.

Commissioner Samson - 5:30 p.m. the Humanitarian Dinner as Tom said. I'm going to be taking a tour of organic farm at 11:00 a.m. tomorrow; teaching my 5<sup>th</sup> graders at 9:15 a.m. Wednesday morning. We will have an FML meeting on the 18th at 3:00 p.m. and that will probably be the final tune up in anticipation if you two would please put this down we'd like to have you here on Tuesday the 24<sup>th</sup>.

Commissioner Jankovsky - On the 24<sup>th</sup>, I asked you for BLM, their Regional Master Plan, Fred and Kirby will be there in Silt at 1:00 to 3:00 p.m. and it is on the cooperating agency meeting, the other cooperating agencies will be Pitkin and Eagle County so there may be some diversity there.

Commissioner Samson - So I need to be there from 1:30 to 3:00 p.m. it says on the sheet. Then John, Drew and I as an FML District will be having our open house/informational meeting in this room here from 6:00 to 7:30 p.m. we are taking an hour for us and then 30 minutes for questions. On the 19<sup>th</sup>, I will be representing the county in a Career Days for Junior Achievement at the Church of Carbondale; on the 23<sup>rd</sup>, we will have a Mayors forum and I think all mayors have RSVP and will actually be there. The first discussion is the Emergency Preparation Plan, Fred and Tamra at the Rifle Airport at 10:00 a.m. The second thing we will talk about representatives from Hill Aveium will talk for about 1-hour on Economic Development strategy. On the 26<sup>th</sup>, I have a Commuication Board meeting and then a Fire Authority meeting, then on the 27<sup>th</sup> from 1:00 to 4:00 p.m. I have the Grand River Hospital Club 20 Health Care. Drew is going to that as well and the Town Council person from New Castle Pam Bunn will be included from 1:00 p.m. to 5:00 p.m. at the Grand River Hospital

Commissioner Samson had requested her because he thought she would be excellent.

Commissioner Samson - Just a couple things; the Energy Expo May 4<sup>th</sup> from 6:00 to 8:00 p.m.; then the Expo 8:00 to 3:00 but we have a problem. We have a senior program breakfast on the 5<sup>th</sup> at 11:30 a.m. - to 1:00 p.m. at the Rifle Senior Center so we need to split our time on the 5<sup>th</sup> between that breakfast and the Expo. Or are only going on Friday night.

Chairman Martin - I think we should be that both as much as we can.

Commissioner Jankovsky - That's the night before, the 5<sup>th</sup> is the full Expo open to the public.

Chairman Martin - It will be going on until 4:00 on 5:00 p.m.

Commissioner Samson - Jena, do you know what time we scheduled the Summit on the 11<sup>th</sup> to begin.

Jena - I believe 8:30 a.m.

Commissioner Samson - We all three need to be there and post that and I've been invited and you two on that day at 7:30 a.m. a breakfast at CMC for 40 years of Colorado Mental Health Group.

Drew - The Energy Forum Summit on May 11<sup>th</sup> - 8:00 p.m. to 3:00 p.m.

Jena - It's at Grand River Hospital in Rifle.

Commissioner Samson - On the 15<sup>th</sup>, we have 6:00 to 7:00 p.m. Joint meeting with Carbondale City Council and then 7:00 to 8:30 p.m. the Town Hall.

Chairman Martin - NRCS meeting in reference to "Right to Farm" on the handbook revision is necessary, also meeting the president of CMU, the Colorado Mesa University in Grand Junction on the 17<sup>th</sup>; meeting a couple of citizens in reference to oil shale at Daily Bread in the morning at 7:30 a.m. on Wednesday. Rifle City 6:30 p.m.; Wednesday the 19<sup>th</sup> giving a tour to different grades for the Historical Tour of the Courthouse and being joined by Carlton Hubbard who is a father/mother/aunts/brothers etc are all in the Courthouse, some historical photos of Hubbard's Mesa, Hubbard's Cave, all kinds of other issues there. Hubbard has agreed to walk through with me and then on Friday the 20<sup>th</sup>, I will be in Denver at CCI. The Courthouse tour will be at 8:30 a.m. I've contacted the court system and Jim Bradford will also join us to make sure we don't have any kind of interference with courtrooms, etc.

Commissioner Samson - While on the 20<sup>th</sup> I forgot to mention Grand River Hospital Volunteer Appreciation Gala from 5:30 to 8:00 p.m.

Commissioner Jankovsky - I will talk to Nancy but I think we will attend.

Chairman Martin - Cost or a contribution.

Commissioner Samson - No, the City of Rifle is doing all kinds of things on the 20<sup>th</sup> too.

Chairman Martin - If we can make it through the next three weeks we will be lucky.

Commissioner Jankovsky - It can't be any worse than the last three weeks. It's been unbelievable.

Drew - I wanted to let you know that the Garfield County Library District thanked the Board of County Commissioners at the dedication ceremony in New Castle Saturday morning for the sales tax refund that you covered in 2011/2012. The Library Dedication was very well attended by ceremony both by Library District Board Members, Library District staff, Town Council, many citizens, many families, many children and it was a very successful start. It is a beautiful building they have doubled in size to 10,000 feet. It has some interesting architectural features, local architect, local builders; local supplies an outstanding project so I wanted to share that with you. I did pass out Kirby Winn's notes from April 13 the CNG conference, the one note that was materially different from what you heard this morning was an opportunity for a used portable GNC filling station, \$125,000 and new \$300,000 - Fuel Tech Conversion Corporation has for sale one self-contained CNG filling station and mobile buildings/trailer that can quick fill 24 vehicles per day for \$125,000 the buyer gets everything needed including dispensers and a card reader. To the extent we want to look at that, we're continuing the conversation with Matt Hutchinson etc. I will make sure he is aware of that.

Commissioner Jankovsky - That's going outside the Bus Barn.

Drew - Yes. Matt is aware of it as he was there.

Chairman Martin - Very good. It's been a busy day.

**c. Approval of Minutes**

**d. Commissioner Agenda Items**

## **ADJOURNMENT**

## **SPECIAL MEETING**

**PROCEEDING OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
APRIL 23, 2012**

**ROLL CALL**  
**PLEDGE OF ALLEGIANCE**  
**INVOCATION**

**1. Executive Session**

- a. Upon the affirmative vote of two-thirds of the Commissioners, the Board will adjourn to executive session pursuant to C.R.S. §§ 24-6-402(4)(a), (b) and (e) to confer with its attorney for the purpose of receiving legal advice on a specific legal question regarding real property and instructions concerning negotiations regarding real property - one transaction.

**Possible public action to follow.**

A motion was made by Commissioner Jankovsky - I will make a motion that we go into an executive session to discuss the item as listed.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Tom Jankovsky	Mike Samson	UNA by roll call vote

A motion was made by Commissioner Jankovsky - I will make a motion to give the chair authority to execute the contract to buy the real estate, Worrell/Durrett Building a total of 3-parcels; all issues as discussed in Executive Session reserved in favor of the County and the Chair to sign the documents as needed until the business is closed.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Tom Jankovsky	Mike Samson	UNA by roll call vote

**ADJOURNMENT**

**May 7, 2012  
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**ROLL CALL - 8:00 a.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA - 8:05 a.m.**

**Sunnyside Apartments:**

Marty Duprey came to say thank you to the board on behalf of Sunnyside Apartments. They received an award for Senior Housing.

**Lookout Mountain:**

Ron Vincent along with other residents and/or property owners were here to address the issues of County Road 120, safety primarily. The last time the road was inspected was in 2002 and since then it has deteriorated quite a bit. Brett Lieble gave his experiences on this road and explained he has to do grading during the night, as the daytime is too active.

Daniel Timsin, Ryan Ivy and Daniel Tackus were all present and shared their concerns. Chairman Martin - At the present time it is a non-maintained public right-of-way. Mike Prim, Jeff Nelson and Randy Whitee will have to take a look at the road.

**Vernal meeting/Open Records:**

Matt Garrington, deputy director of the Colorado based Checks & Balances Project out of Denver. They are concerned with the March 27th meeting in Vernal, Utah. The commissioners in Uintah County describe it as a legal strategy session, a commissioner in Mesa County described it as a political strategy session and the Garfield County Commission had referenced it as an informational meeting. Second, they are concerned that the meeting was closed to the public but there were companies that have a vested interest in the outcome of oil shale who were present including lobbyists and attorneys for the oil shale industries. The three things they are hoping to get a response to, one is that was reported in the Glenwood Springs Post Independent that the county attorney weighed in as it being an informational meeting and they would like to see any written communications regarding how the meeting was described by the county.

Chairman Martin explained there was a form and a process for information; they can file that and obtain information.

Matt imagines that many folks would be interested in these questions and it would be great if the county would faithfully relay that information.

Chairman Martin explained they had a three hour fifteen minute discussion about that and they posted it prior to going, talked about it three different times and made sure everything was there. When they got to Vernal it was an executive session that was called by Uintah County, who was the host county, and they went there for informational purposes. They will fill out the information that he is requesting but he will need to do a freedom of information form and the attorney has a timeline and he will get it right directly to them.

Matt - The other two things they are hoping to get an answer to is what Uintah County had communicated to Garfield County as to the purpose of that meeting as well and any official notes that the county took at the meeting.

Chairman Martin - That would all be with the freedom of information request that he is asking for and they will comply with that, as they have nothing to hide.

Commissioner Jankovsky asked Matt if he had been to Uintah County because it was their meeting and he finds it interesting that Matt is in front of this board. He encourages Matt to go to Uintah County and talk with them.

Matt - As he reads Colorado meeting laws, it does not matter who calls the meeting or what state that meeting is in, if there is a quorum Colorado Open Meeting laws do apply.



Chairman Martin - That's why they posted as a work session and they mentioned the three different times and three different public meetings and then held a three hour and fifteen minute discussion with the public on record on what took place.

Matt - As well as a closed door meeting to the public with members of the oil shale industry present, is that correct?

Chairman Martin asked if it was any different that the Secretary of the Interior meeting with three conservation district people, three conservative groups and then coming out with an alternative and they haven't asked for that information and how that decision came about.

Matt - Actually in regards to Colorado Open Meeting law if you are conducting county business, yes that needs to be done in public. The resolution as you noted brought back here; it appears it was crafted at that meeting and would violate, as they understand it, Colorado Open Meeting Law.

Chairman Martin explained they did their own resolution, made changes in a public session and that is public record.

Drew Gorgey - The speaker who was requesting public records has been personally escorted to the county attorney's office just now to get the form required for complying with those records. He had a similar request last week and all documents responsive to all requests will be provided in accordance with law.

Commissioner Jankovsky wanted to add that the three of them do go to meetings together. They go to CCI, NACO and there are times when the three of them need to be together for informational reasons.

Chairman Martin - We meet with many folks, BLM, City of Glenwood Springs and sometimes there is an executive session but they make no decision in private or closed sessions.

### **REGULAR WORK SESSION:**

#### **1. County Assessor Update: Lisa Warder**

##### **a. Abatement for Philip & Patricia Lacerte with abatement No. 12-040, Schedule No. R111740**

#### **[Attachment Phillip & Patricia Lacerte Abatement](#)**

Paul Schoeppner and Lisa Warder were present.

Chairman Martin swore in the speakers. The taxpayer was notified by mail and posted on the agenda for notification.

Lisa presented abatement number 12-040 on schedule R111740 in the amount of \$15,607.00.

Paul explained the property location and for several years, the property was idle, came off Ag, and went on to residential. This property was turned back into Ag and it should have been Ag last year and that is why they are making an abatement.

Chairman Martin - Do we have a motion to close the public hearing?

Commissioner Jankovsky - So moved.

MOTION

SECONDER

VOTE

Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote
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Commissioner Jankovsky - I'll make a motion that we approve the abatement for Philip & Patricia Lacerte with abatement number 12-040, schedule number R111740 and that we approve a tax refund of \$15,607.00.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

## **2. County Treasurer Update: Georgia Chamberlain**

### **a. Consideration/approval of Resolution Adopting the 2012 Garfield County Investment Policy - Georgia Chamberlain & Drew Gorgey**

#### [Attachment Reso Investment Policy 2012](#)

Georgia - This has to do with incorporating changes in legislature on investments prompted from security ratings. These changes enable them to invest in more diverse investments, hopefully earning more money on interest.

Drew explained the county's investment and the treasurer's investment options are limited strictly by state statute. It is primarily the public deposit protection Act, it is that act or portions of that act that were modified by HB 12 1005 and this legislation was in response to economic conditions.

### **b. Consideration/approval of Resolution Creating the Garfield County Investment Advisory Board, Appointing Members and Adoption of Bylaws - Georgia Chamberlain & Drew Gorgey**

#### [Attachment Reso Investment Advisory Board](#)

Georgia – In light of transparency in their investments and to have oversight and to have a group of people looking at the investments, she is suggesting they have an investment advisory board. They had one in place and through the years, it dissolved. The attorney came up with some by-laws and a list of committee members. It is a totally different makeup than it was before. They are suggesting having a county commissioner, the county treasurer, the county manager, the county attorney, the county finance officer and two citizens.

Commissioner Jankovsky – I'll make a motion that we approve a resolution creating the Garfield County Investment Advisory Board, the appointment of members, the adoption of the by-laws as presented with changes on item number 2, 7 and 8, and allow the chair to sign.

Georgia – on the prior committee, Ernest Gerbaz was the citizen who participated and she believes they worked 15 years together and he was instrumental helping them through their investments.

Commissioner Jankovsky – With the amount of money in reserves he is happy to see Georgia bringing this forward.

Drew wanted to give the record and the public a few more details; this board would meet quarterly. The board has already contracted for an investment advisor and that is Cutwater. The board is already paying someone to manage their investments. The point of this committee is to connect all the other parts of the county that really should be monitoring this closely. The Board of County Commissioners, the treasurer, the finance department, the citizens of the county and to make sure, even though there are strict statutory limits about what you can and can't do with money, with a reserve in an excess of \$100 million dollars a 1/2 of a percentage point is a substantial amount of money. A cash flow analysis that they talked about during the investment advisory procurement approval will be part of this committee's task making sure everyone really understands what this investment policy is and does including all the details that financial professionals understand. They need to get this down into lay terminology so that on a day-to-day basis so they can make sense of what they are being told and maximizing the legal limits of the investment opportunities.

Commissioner Samson asked if they didn't already appoint their county commissioner; Tom.

Drew – That would be who was discussed before; yes. Drew agrees the resolution should designate Commissioner Jankovsky by name and he can add that into the final draft of the resolution.

Commissioner Samson – I would ask that it be added.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

**c. Reimbursement of tax lien sale certificate #2008-0145; assessed to Samma Jane Way; schedule R290538; investor Dennis & Jessie Coates**

[Attachment Coates Way Reimbursement](#)

Georgia – All four of the tax lien sales have mineral rights. They are put on the tax roll, no one paid for them, they went to tax sale and they have investors on each of the certificates. After three years, those investors have the privilege of applying for a treasures deed. At the time of application for the treasurer's deed, they go out for a title search and they found discrepancies with the legal description. They then contact the assessor's office and with the help of the attorney's office, they see if it really is illegal or an erroneous description. Was it taxable or not and with Miss. Gagnon's help they determined these four could not proceed with the treasurers deed application. They needed to refund or reimburse the investor the money they have invested in the tax certificates.

Commissioner Samson - I would move that we grant the reimbursement of tax lien sales certificate number 2008-0145 assessed to Samma Jane Way, schedule R290538 and authorize the chair to sign such.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

- d. **Reimbursement of tax lien sale certificate #2008-0002; assessed to Samuel Wesley Anderson; schedule R017164; investor Floyd & Jennifer Hostetler**

[Attachment Hostetler Anderson Reimbursement](#)

Commissioner Samson - I would move at this time to grant the reimbursement of tax lien sales certificate number 2008-0002 assessed to Samuel Wesley Anderson, schedule number R017164 and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

- e. **Reimbursement of tax lien sale certificate #2000-0035; assessed to Mitchell & Lucile Dyer; schedule R010124; investor RDLJ LLC**

[Attachment RDLJLLC DYER Reimbursement](#)

Commissioner Samson - I would move the reimbursement of tax lien sales certificate number 2000-0035 assessed to Mitchell & Lucile Dyer, schedule R010124 and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

- f. **Reimbursement of tax lien sale certificate #1999-031; assessed to A.W. Fleming; schedule R080560; investor RDLJ LLC**

[Attachment RDLJLLC Fleming Reimbursement](#)

Commissioner Samson - I would move that we grant the reimbursement of tax lien sales certificate number 1999-031 assessed to A.W. Fleming, schedule number R080560 and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

3. **Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner**

or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.

- a. **Approve Bills**
- b. **Wire Transfers - COPS Debt Service for June 1, 2012**
- c. **Changes to Prior Warrant List**
- d. **Interfund Reimbursement Request**
- e. **Ratification of Nomination of Encana Oil & Gas to COGCC - 2011 Outstanding Oil & Gas Operations Award - Andrew Gorgey**

[Attachment COGCC Nomination form](#)

- f. **DOLA Contract Amendment EIAF #6824B: West Parachute Interchange - Randy Withee**

[Attachment DOLA Contract Amendment for EIAF#6824B](#)

- g. **Ratification of the signing of the letter to the United States Fish and Wildlife Service regarding the request for an extension of time to file comments on the Notice of Revised Proposal of Critical Habitat, Proposed Designation of Critical Habitat for Three Colorado Plants - Fred Jarman**

[Attachment BOCC Letter to USFWS](#)

- h. **Authorize the Chairman to sign a resolution approving the Adams Accessory Dwelling Unit located on a ±35-acre parcel on East Elk Creek. Applicant is Daniel Adams. - Kathy Eastley**

[Attachment Resolution Adams ADU](#)

- i. **Consideration of Re-vegetation Security Release-High Lonesome Ranch Dog Kennels - Steve Anthony**

[Attachment Reveg High Lonesome](#)

- j. **Liquor License Renewal Kum & Go #929 at 59 Tamarisk Trail, Parachute**

[Attachment Kum & Go Liquor License Renwal](#)

- k. **Liquor License Renewal Catherine Store Wine & Liquor, Carbondale**

[Attachment Catherine Store Liquor License Renewal](#)

**I. Resolution appointing Veterans Affairs Officer - Tari Williams**

[Attachment Resolution Veterans Affairs Officer](#)

Chairman Martin - Do I have a motion to approve the consent agenda?

Commissioner Samson - I would so move.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**4. County Manager Update**

**a. Public Meetings:**

**i. Request of funds for Girl Scout Troop 244 trip to Washington, D.C. - June Zeinstra**

[Attachment GirlScouts](#)

Natalie Danielson took the lead and gave the commissioners a review of what they had accomplished. She explained middle school dancing was their biggest fundraiser; however, they lost two of their dances, which cost them \$1,000.00. They tried to make up for that with yard sales and spaghetti dinners etc. They are asking for a donation of \$650.00 and have been working on this for two years.

June explained their expenses will be about \$16,000.00, which makes them \$350.00 short, and they would like a little cushion in case of emergency. The girls should be commended for the amount of work they have done.

Commissioner Samson - I would make a motion that we approve \$650.00 for the Girl Scout Troop 244 trip to Washington D.C. for the amount of \$650.00 as requested by them, but I would request that part of that would be that you come back afterwards and report to us and tell us what you learned and how it helped you and what you got out of it.

Natalie - We'll bring you a photo book.

Chairman Martin - And to tell us how you got involved in all the civic activities and how it's going to make a better community.

June - We requested a tour of the Capital through Scott Tipton's office. It will be a staff lead tour and we're hoping to see the senate gallery or the house gallery.

Chairman Martin - The speaker of the house has a balcony, you might request that one as well. There's also a train that runs between buildings and you might be able to ride that. You can walk throughout the halls of congress in the tunnels and it's an interesting numbering system for their buildings.

Commissioner Jankovsky - I will second that. I do have some comments and I am very impressed with what you guys have done and how much money you've raised and I'm going to vote in favor of this. But I also know that there are other groups from Garfield County that are going to Washington D.C. and haven't been in front of us. I know the Glenwood Springs Middle School is going I think next week. By doing this we open up a door that potentially hasn't been opened up before here in front of the Board of County Commissioners. Again, you guys have worked hard and I want to see you go and it's a small request and I'm going to vote for it but I just want to mention that to the other commissioners. This opens the door for other groups to come in front of us for similar requests.

Commissioner Samson - And I will answer that Mr. Jankovsky; not to argue with you. That was one of the major reasons that I believe Mr. Martin and myself and as well as Commissioner Houpt years ago wanted to use discretionary funds to help various organizations such as that. At least that was my reason for doing so. It makes me feel good to have young people such as this come before us and do these kinds of things and hopefully we can continue. I would remind everyone the discretionary funds that we have set aside for such things; we have never used all of those in a year and hopefully no one feels that we are spent thrifts. I don't think we are but we are helping with the organizations with a good cause. I understand your comments.

June - This troop has never had the need to ask for a donation. We have gone to D.C. before, four years ago, we've gone to Mt. Rushmore twice and they have gone to California and part of our expense there was we donated time for Habitat for Humanity. However, in Natalie's reference to our fund rising she mentioned that we have lost two dances and maybe I should clarify that. Besides cookies, our main fundraiser is middle school dances and we had to cancel two of them because of a scheduling conflict with middle school groups having dances at the school. That potentially put us back \$1,000.00 and we have tried and tried to overcome that deficit and we're finding ourselves just a little short. And time is getting close and we've worked so hard to come this far.

Commissioner Jankovsky - You are less than 5% away from getting there so.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**ii. The University of Denver Strategic Issues Panel on State Government - Phil Vaughan**

**Attachment DU Report**

Phil Vaughn gave an explanation of the panel and a report on the panel. There were 20 appointments across the state of Colorado. Gaining public trust and accountability is needed. The report is located at [DU.edu/strategicissuespanel](http://DU.edu/strategicissuespanel). Reports are also on video for anyone to view.



### iii. Community Corrections Board Presentation - Rodney Hollandsworth

Steve Reynolds, president of the board and Rodney gave a power point presentation.

### iv. Approval of annual Paint Striping contract with Patriot Highway Markings, LLC - Deb Fiscus and Jamaica Watts

#### Attachment Paint Striping

Jamaica is asking the board to approve this contract in an amount not-to-exceed \$113,163.00.

Commissioner Jankovsky - I'll make a motion that we approve a contract to Patriot Highway Markings, LLC in the amount not-to-exceed \$113,163.00 to strip various Garfield County roads.

Chairman Martin - Those roads are on the amendment there attached to A. Hopefully we can get all those done.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### v. Recommendation to award a contract to United Companies for 2012 chip seal projects - Deb Fiscus and Jamaica Watts

#### Attachment Award Chipseal

Jamaica is asking approval to award this contract in an amount not-to-exceed \$408,000.00.

Commissioner Jankovsky - I'll make a motion that the board awards a contract to United Companies in an amount not-to-exceed \$408,000.00 to complete the 2012 chip seal project.

Chairman Martin - Your chip seal budget is there but you also have a little extra in the chip seal, this is just that one contract that you're looking at. If there's any other projects, we can continue to go forward.

Jamaica - The budget I believe is 705.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### vi. Recommendation to award contracts to United Companies and to Frontier Paving for 2012 asphalt paving projects - Deb Fiscus and Jamaica Watts

#### Attachment Award Paving



Jamaica is asking approval of two contracts for paving. They are awarding this year per district. The first award is to United Companies for district one in an amount not-to-exceed \$1,110,385.00. The second contract to Frontier Paving for district two and three in the amount not-to-exceed \$3,507,451.25.

Commissioner Jankovsky - I'll make a motion that we award a contract to United Companies in an amount not-to-exceed \$1,110,385.00 to complete 2012 asphalt paving projects in district one and then a second award to Frontier Paving in the amount not-to-exceed \$3,507,451.25 to complete the 2012 asphalt paving project in districts two and three.

Chairman Martin - Same question; we still have money left over from the overall budget.

Jamaica - Yes, that budget was \$5,562,000.00.

Chairman Martin - You're at \$4,600,000.00 something like that, alright.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

#### **vii. City of Rifle/Beaver Creek Watershed Project Update - Deb Fiscus**

Wyatt Keesbery sat in for Deb Fiscus. They met with the City of Rifle and their engineer and came to an agreement. With the help of Oil and Gas companies, there will be some renovation and new construction towards the top of Beaver Creek at the EnCana chain up area. He did not have the cost estimate.

Michael Erion, Resource Engineering is representing the City of Rifle; he didn't know the cost either. He has looked at the various areas and they do have a plan.

Drew met with the county's road and bridge supervisor Deb Fiscus and she has been at the site multiple times and met with Rifle and others. He doesn't think they need an agreement, it is the county roads they are simply working on their own roads to put culverts.

#### **viii. Oil & Gas Liaison Update - Kirby Wynn**

Drew - This will be back on the agenda next week.

#### **ix. Project Management Team Meetings - Andrew Gorgey**

Drew gave a report to the commissioners. One of the goals of the commissioners was to be involved in the day-to-day management in the county or to have more regular reporting. His point in bringing this, he had never asked anyone or if anyone had them, just because this is staff's top ten, he wasn't sure if it was the commissioners top ten. He was not asking them to rank or comment on yet. May 15th they will see a presentation on the procurement system and this is one of the tools they will have to utilize. There will always be concerns coming up; but the day to day is a deliberate strategy.

#### **5. County Attorney Update: Andrew Gorgey**

**6. Executive Session**

- a. Upon the affirmative vote of two-thirds of the Commissioners, the Board will adjourn to executive session pursuant to C.R.S. §§ 24-6-402(4)(b) and (e) to confer with its attorney for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding two cases pending before the Board of Assessment Appeals (Stallion Rockies and DirectTV) and receipt of legal advice on specific legal questions regarding same.**
- b. Upon the affirmative vote of two-thirds of the Commissioners, the Board will adjourn to executive session pursuant to C.R.S. §§ 24-6-402(4)(a) and (b) to confer with its attorney for the purpose of receiving legal advice on a specific legal question regarding real property and instructions concerning negotiations regarding real property - one transaction.**

Commissioner Jankovsky - I make a motion we adjourn to executive session for the two items described.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Samson - I move that we come out of executive session.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Chairman Martin - I believe it was only advice and not action to be taken in public session.

Drew - That's correct you instructed negotiators and that is all; received legal advice.

**LUNCH - Noon**

**COMMENTS FROM CITIZENS NOT ON THE AGENDA: 1:00 p.m.**

**REGULAR AGENDA: BUILDING & PLANNING ISSUES**

**1. County Attorney Update - Land Use Issues: Andrew Gorgey**

- a. Discussion of River Edge Colorado Memo of Understanding re: Cattle Creek and SH 82, and related improvements, with Carbondale Investments, LLC - Carey Gagnon**

Carey - On April 16th, she approached the board with questions concerning the terms to incorporate into the MOU. She has not worked with the applicant's council yet. It became clear through their discussions this warranted a little more information from the applicants.

Wayne Foreman and Sam Laterro were present and Rocky Sheppard via telephone. Wayne explained his company has taken the lead and it has been noted that the County would take the lead. They want the board to allow the developer to take the lead to coordinate timing on the intersection with other access issues. They will bear the risk of any delays and would like to negotiate the MOU.

Sam wanted everyone to know they are working with CDOT and the county.

Chairman Martin explained why they wanted to take the lead so they could get it done but in cooperation with everyone.

Carey - What they are hearing from the applicants side today is entirely consistent with the conditions of approval, which was put on the approval of the application. Their offer was to fund and construct improvements provided they would be the ones coordinating the efforts. What they are hearing today is consistent with the record. At this point, she doesn't believe the County has moved forward with the RFP process. There has not been an expenditure of funds yet for the design of the intersection.

Betsy Suerth - They have not moved forward with what has been budgeted; the RFP has been assembled and waiting to be issued to the public. Two issues are timing less than 3 years, and the right-of-way acquisition, which the county can do more easily than CDOT. She suggests they continue to work with the applicant; it has been going very well. Perhaps an attachment to the MOU or an exhibit that is a critical path that they all agree upon which would address the applicants issues that she hears being said today. Chairman Martin stated continued meetings would be fine with him.

Drew - This is a convergence of two of their powers and the intersection is either the number one or one of their top priorities. What they needed to clarify, on the record, is that the board's long-standing desire to improve the east side access almost certainly includes improvements and expenses related to those improvements that the applicant never agreed to fund. The board has given the applicant something of great value namely the land use approval itself through a long detailed hearing process. One of the conditions was this financial commitment to improvements on both sides of 82.

Instruction is needed on how best to proceed. If the instruction is they want the applicant to work with engineering and legal to get this advanced; that's fine but what he didn't want to have happen is a need to revisit the land use approval because their obligations are somehow reduced or conversely their obligations are somehow increased. That's the trick to honor their rights that they have bargained for and the board has granted but without the expense to the public that they are doing less than their share at the expense to the applicant that they are doing more than their share. He needs the board's best and most complete advice about how to proceed given those perimeters.

Commissioner Jankovsky - If they could continue to work with their staff and Rivers Edge Colorado to see if they could come to some common ground through meetings. He thinks that is the appropriate direction.

Chairman Martin - CDOT is the ultimate who gets to approve everything.

Wayne - There are so many decision makers it makes it difficult. They are committed to work with the county.

Chairman Martin thinks it may be a headache for a while but if they iron everything out it should be a smooth operation.

Drew is trying to figure out where the applicant's obligation begins and ends and who is paying the first engineering dollar.

Sam - Their goal is to get the MOU as soon as possible.

Drew - 100% of the east side design costs will not be borne by either party. It will be borne by both parties but in some percentage. His point is the citizens of the county have been waiting a long time for that intersection to be improved.

Chairman Martin - They will get them started with meetings and coordination.

## **2. Public Meetings:**

### **a. Consideration of a Request by the Applicant for Reconsideration of a Director's Decision Regarding a General Administrative Land Use change Permit for an Accessory Dwelling Unit including a request for waiver from the Roadway Standards in Section 7-307 of the Unified Land Use Resolution of 2008, as amended, to be located at 5343 County Road 100, Carbondale, Colorado. Applicants are Sondra T. and Peter S. Welles - Glenn Hartmann**

[attachment WellesADUCallup staff report](#)

Glenn Hartmann explained the applicant has some concerns with the conditions. They are requesting the Board of County Commissioners review the application particularly a waiver from the roadway standard. They would like a public hearing and the purpose is for reconsideration.

Carey pointed out they are required to hold the hearing within 45 days and they are fine.

Commissioner Samson - I would move that we grant the request by the applicant for reconsideration of the Director's decision regarding a general administrative land use change permit for an ADU unit including a request for a waiver from the roadway standards on Section 7-307 of the unified land use resolution of 2008, as amended for the date of June 18th in the afternoon.

#### MOTION

Commissioner  
Mike Samson

#### SECONDER

Commissioner  
Tom Jankovsky

#### VOTE

UNA by roll call vote

### **b. Consider a request for call-up to determine whether to uphold, modify, or reverse the Director's Determination of approval for a Pipeline Development Plan Review for a 16-inch natural gas pipeline (PDPA 7056). Applicant is Bargath LLC - Molly Orkild-Larson**

[attachment application large file template](#)

[attachment Kokopelli Phase II Pipeline Cover Letter](#)

[Directors Determination](#)

[attachment Kokopelli Phase II Pipeline Exhibits A to K](#)

Phil Vaughn, Donna Gray, Sandy Hotard were present.

Molly was directed on April 13, 2012 to bring this back today.

Chairman Martin - Council has called attention to Exhibit K and would like an explanation of that exhibit. Chairman Martin explained it was a request from Arnold Mackley and he didn't understand the procedure on a call up. Chairman Martin and Fred Jarman explained what it was. No deals or arrangements were made.

Carey asked Chairman Martin if they discussed the merits of application with Mr. Mackley and Chairman Martin replied no.

Phil explained they had met or exceeded the requirements set forth by Article 9 of the unified land use resolution of 2009 as amended. They agree 100% with all the conditions set forth.

Commissioner Jankovsky asked Phil if he read Mr. Mackley's letter and is it being addressed or not.

Phil wanted the commissioners to look at Exhibit H; they are in receipt of the letters and on February 8th, he issued a letter to Molly indicating they wanted the application to be put hold to investigate for alternative pipeline routes. Exhibit I, his March 2nd letter to Molly; this indicated it would cost approximately \$1,500,000.00 in additional studies, engineering and right-of-way cost and felt it was cost prohibited for this project.

Chairman Martin explained under the procedure Arnold has requested a hearing or a call-up.

Commissioner Samson - Progress is trying to be made and he is torn to do a call-up, people should have their say.

Commissioner Jankovsky didn't see any of the families here that requested the call-up. May not be as big as an issue as they expressed in their letters and he felt they should have been at the meeting.

Commissioner Jankovsky - I'm going to make a motion that we uphold the Director's determination of approval for a pipeline development, plan and review for a 16-inch natural gas pipeline.

Chairman Martin - Go ahead and uphold it, I take it with the conditions of approval that were stated?

Commissioner Jankovsky - Yeah, conditions of approval that were in there from the planning director yes.

Chairman Martin - I know these guys in front of us work hard in doing their job and we supported them a lot. I also understand that the citizens would like their say too. It may delay it, but it may change or it or may not change in reference to the decision that the board is upholding or whatever. I always like to error a little bit on caution and I'd like to take those concerns and put them on public record other than just a letter. That's kind of where I'm coming from and respect both sides. I understand that there's a timeline, dollars have to be considered as well as also the historic value and also the view shed

quarter that can or cannot be saved in one way or another. Cause that's Colechi soil still up there, running through juniper and sage and a few other things and it doesn't heal real well. And I think that's one of those issues at least mentioned in the letter. Commissioner Samson - I guess one question I have for Phil is if we were to delay this, I guess that would be an appropriate word, for 45 days would that be such a terrible detriment to this project?

Phil - As far as timing on the approvals, as you know from the staff report that you've read, we are waiting for the necessary permits from the BLM and the Forest Service. I do not know when those will be issued. Federal agencies of course they are working through their particular process so we are running these in tandems. So I'm not going to sit here today and tell ya that I've got my BLM and my US Forest Service approval; we're simply waiting on Garfield County. These three processes running in tandem with one another. So I'm gonna answer your question by saying I don't know if there's a timeline in effect or not because I don't know when the US BLM and the US Forest Service are going to finalize their decision.

Commissioner Samson - Knowing the Federal government and how it works I'd say 45 days. So you'd be lucky to get it by then.

Phil - And we've been in process with that for over a year and half, two years so we are finalizing in this particular process.

Chairman Martin - And that also identified the course that you are going to take and that had all of the engineering studies everything else that was required.

Phil - Yes sir, there's a full environmental analysis that has been prepared for submittal to the BLM that supplies information for both BLM and the Forest Service property on the project, yes.

Chairman Martin - There's a motion and a second; any further discussion?

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	FAILED
Tom Jankovsky	Mike Samson	

Commissioner Samson - I would move that we honor the request made by the Mackley and Bow parties that we schedule a call-up for review concerning the pipeline development plan review of a 16 inch natural gas pipeline on the Kokopelli Phase II pipeline.

Commissioner Jankovsky - Second.

Commissioner Samson - I don't know why they're not here; but if they truly were here I would hope that they would give their reasons for this and explain to us in person exactly what they would like us to do. And then we would have a better idea as to whether or not we could honor their specific requests. And if we don't agree with them, then we go ahead with pipeline but at least they would have their day in court. The point you made Chairman is very applicable I think in this case, sometimes it's better to wait a little bit longer and error on the side of the people and listen to the people and hear from the people.

Chairman Martin - The way that I put it is that we put a call-up provision and I think the two ladies and the young man in front of us assisted us in one way or another, having a call-up provision in land use regulations simply is a safety gap for those that felt they

didn't have their word heard. I just want to make sure that is honored and not abused. If they have a true reason for a call-up and they need to present information and items that weren't considered, then I think we need to listen to them. I know it was an administrative review and I know that Fred is very thorough and did a nice job. Phil is extremely careful and very methodic on his presentation as is Sandy. So I would say that we just need to listen to the families there again. Which property is going to be affected, it's probably BLM and Forest Service property and access is coming off the Savages and probably someone else. Maybe Arnold. But it ends up in the same spot on the BLM Forest Service and the pad that's above.

Commissioner Samson - And after all that is said and done we would agree...

Chairman Martin - We may agree and support Fred all the way. At least we'll have a public that is informed and had their day that they can express their points of view.

Maybe they didn't get to do that in a public session and they would just like to exercise that. So, that's why I would support the motion. Not that I'm picking on anybody else's application. Please don't take it as I'm saying no, it's just that I would like to make sure that we hear everyone.

Commissioner Samson - I'll call for the question.

Commissioner Jankovsky - I would like to have a tour so I can get a better idea besides reading the letters in the packet so I have a better idea of what's going on. If it's just for myself that's fine but I'd like to get a chance to go up and take a look.

Chairman Martin - If you go by yourself.

Commissioner Jankovsky - Can't do that.

Chairman Martin - No.

Commissioner Jankovsky - Well I'd like to do that.

Chairman Martin - Okay that means that you obligate everyone to going on that so that would be staff as well as the three members and of course Molly. Phil can you be there, Donna, Sandy can you set that up on a day and what have you if this should pass? The answer is yes you'll cooperate. We appreciate that. So if that passes I think we'll be able to coordinate it. We'll have to do it within the timeline. Everybody's got a busy schedule.

Drew - You would need a majority vote for that.

Chairman Martin - Yes, but we're going to and see if...

Commissioner Samson - Do I need to put that in part of my motion then?

Drew - If Commissioner Jankovsky is making an amendment to your motion, the continuance would include a site visit; that would be the better way to do this.

Commissioner Jankovsky - Yes I'll make that.

Commissioner Samson - I agree with that.

Chairman Martin - Do you second that amended motion?

Commissioner Samson - Yes.

Chairman Martin - So we have an amended motion in reference to a site visit required and it's been seconded by Mr. Samson. Any further discussion?

MOTION

Commissioner  
Mike Samson

SECONDER

Commissioner  
Tom Jankovsky

VOTE

UNA by roll call vote

Chairman Martin - Phil if you could coordinate with staff so we can get everyone there.  
Phil - Question as to what date?

Chairman Martin - That will be before we have our hearing, which is no more than 45 days and no sooner than 30.

Carey - Correct, so you have between 30 and 45 days to schedule the public hearing on the call-up. There are two dates that fall within that 45-day period, June 11th and June 18th. I'm uncertain whether you would be able to make the 30 day notice deadline for the June 11th meeting but I think that might be possible as long as it gets taken care of this week then we would be able to accommodate the June 11th deadline. That is a meeting in Parachute so it would be scheduled for 9:00 a.m.

Phil - Commissioners we have available for June 18th; I have looked at the project teams calendar and my project manager does have availability on June 18th. I have verified we can make the 30-day noticing requirement for the June 18 and if that's acceptable to everyone, we would like to recommend June 18th.

Commissioner Martin - We'll make a motion then to continue that to date certain June 18th.

Commissioner Samson - I would so move.

Commissioner Jankovsky - Second.

Carey - You would actually be setting the hearing for June 18th. It wouldn't be a continuation because you wouldn't have opened the public hearing yet. We will schedule the site visit as a public meeting and make sure that we post it and provide access to the public that's interested in joining us for the site visit and then we would schedule the public hearing on the call-up for June 18th at 1:00 p.m.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**c. Withdrawal of a request for vacation of an amended plat of the Rock Creek Subdivision - this application was continued to this date from meetings held on January 16, 2012 and February 13, 2012. Applicants, Nanna Schov and the Ann M. Geupel Revocable Trust, have requested the withdrawal. - Kathy Eastley**

Attachment Rock Creek AFP withdrawal letter

Fred - In the boards packet they have an e-mail from Michael Shook to Kathy Eastley, planner in the building and planning department, which essentially says they are unable to commit right now to meeting with the board today, as they need more things ironed out.

Chairman Martin - It requires no action other than notification to this board.

### **3. Public Hearings:**

**a. To consider a request for a Land Use Change Permit for a Communications Facility at Ski Sunlight. The Applicant is Ski Sunlight, Inc. Fred Jarman**



## Attachment Sunlight Communications Facility Staff Report

Commissioner Jankovsky has financial interest and will reclude himself.

Ross Kaufman and Ross Perry were present.

Carey informed the board all paperwork was in order and they could proceed.

Chairman Martin - Swore in the speakers.

Fred Jarman read his exhibits and gave a power point presentation.

Ross Kaufman - This is to provide cellular service and is a temporary site.

Huge Riley resides at Sunlight and has a business there and is in favor of the tower.

Gary Grossman is currently a member in good standing on the board of the condominium association and is the treasurer. He asked if it would only be AT & T customers that can access the signal from the tower.

Ross believes it will be available to others.

Gary - Their two major complaints are lousy internet service and lack of cell service and they feel a cell phone town can improve and be valuable to the area.

Chairman Martin - I'll ask for a motion to close the public hearing.

Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote

Commissioner Samson - I move that we grant the request for a land use change permit for a communications facility at Ski Sunlight, the applicant being Ski Sunlight Incorporated with the recommendations of approval. Eight of them as provided to us by staff.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Jankovsky	UNA by roll call vote

**b. To consider a request for a Land Use Change Permit for a Limited Impact Review application for a Communication Facility on a 131 acre parcel located 1.4 miles southwest of Rifle, Colorado (File No. LIPA 7064). The Applicant is Clough Sheep Company, LLC - Molly Orkild-Larson**

[attachment application large file template](#)

[attachment Clough Sheep Company Staff Report](#)

[attachment Clough Sheep Company Exhibits G to N](#)

Loren Prescott and Jim Kirkpatrick were present.

Carey established notice and informed the board they could precede.

Chairman Martin swore in the speakers.

Molly read the exhibits and gave a power point presentation.

Loren Prescott gave a verbal presentation. They have reviewed the conditions and agree with them.

Molly - If approved Chris Hale mentioned the CDPHE storm water discharge permit will expire June 30, 2012 and asked if they need to set a condition of approval prior to construction.

Jim Kirkpatrick did contact their office and was told they are finalizing the permit to get it renewed. He will take as a condition.

Commissioner Samson referenced Exhibit N from the City of Rifle, and asked the applicant to comment.

Loren gave an explanation of co-location.

Carey reviewed the code section 7-823 of the ULUR paragraph A regarding Commissioner Samson's concerns.

Commissioner Jankovsky - I'd be happy to make a motion that we approve the application for a communication facility on 131-acre parcel submitted by Nobel Energy and the applicant is Clough Sheep Company, LLC

Commissioner Samson - Located 1.4 miles south west of Rifle. I'll second that.

Chairman Martin - We had also a request from staff to consider three other additions.

Commissioner Jankovsky - I'm sorry, the eight conditions of approval that are in our packets plus condition number nine which is the height up to 69 feet and then have the language that Molly added in there. Condition number ten, which was that there would be a road easement to the site would be provided again with the language that Molly had. Condition number eleven would be that there would be a valid CDPHE storm water permit would be issued prior to construction and again I'm open to the language on that. So that would be eleven total.

Commissioner Samson - Second.

Carey - Quick question for clarification; would it be acceptable to you to use the conditions of approval nine and ten as stated in Molly's power point presentation as the conditions of approval that you've included in your motion?

Commissioner Jankovsky - That is correct; I just wanted them to be as Molly had presented them, so yes.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

**COMMISSIONER ISSUES**

**a. [Commissioner Reports](#)**

Commissioner Jankovsky would like to talk about a meeting that he attended on April 24th in Vernal. He was the only commissioner there from Garfield County. There were three commissioners there from another county, two commissioners from another

county; all Colorado counties, there were three commissioners from a Utah county, two commissioners from a Utah county and three commissioners from another Utah county. This meeting was a press conference and then a meeting on sage grouse, on the potential listing of sage grouse. The BLM, EIS on sage grouse. They had a presentation by Kathleen Clark from Utah Department of Natural Recourse and talked a lot about how, a structure he guesses on how the decisions will be made on sage grouse. It started at the top with a sage grouse task force, which included representatives from all the states as well as the BLM. Then it went off to the left to BLM action and there was another group of working biologists that had state representatives as well. Then it worked down to local plans he guesses would be the correct word. Kathleen Clark said it was really important to know who is representing our state and the task force that oversees it all the federal task force. And also know who our representative is as biologists. As he looked at the maps, it's just really important for northwest Colorado because ourselves, Moffat, Rio Blanco; maybe just a little bit of Routt and Jackson are the only counties that have sage grouse in Colorado. He is trying to follow-up with Moffat County especially to try to get a meeting with however this person is to make them aware of their local plans that they have on sage grouse and also the economic importance of being able to work on public lands as far as natural resource development.

Commissioner Samson - Is Aaron Dryfus the one that is heading that up?

Commissioner Jankovsky - No she is not; she's local but this is such a broad spectrum he doesn't know how many states, seven or eight western states that are involved. It's more the upper tier he guesses. Kathleen Clark is the chair of that but he is not sure who is representing Colorado. But he thinks it is important that they, those counties that are affected have a meeting with whoever is representing them as a state to make sure that their wishes are being represented.

Commissioner Samson - Hold that for a second; did you two receive a communication, being the chairman of AGNC he has a conflict because, do we notice that we will be attending the WIR meeting? Will that be necessary for them to notice that?

Drew - Yes, the determinate of when you need to notice is the open meetings law and what the statute says about what a meeting is or isn't. Irrespective of that earlier today, he thinks at the end of the morning session, they were talked about posting the commissioners calendars as sort of a new practice. He wants to hold off on what that is going to look like until they think it through but it's a common practice in other counties that they would simply reduce to writing what you do, have been doing orally for years at the end of every meeting. And that is just saying that on Tuesday in the morning Commissioner Samson will be here, on Wednesday afternoon two commissioners will be there and to the extent those constitute meetings they will also do meeting notices. Your question about the western interstate regional meeting of NACO; that is absolutely not a meeting. He doesn't think they need to notice it or post it or anything legally but he would do it anyway. Just because you are informing the public of where they are; any time there is more than two of them in the same place at the same time that is just a prudent practice. For this week, he thinks he is aware of the Wednesday 9:30 a.m. the 9th at the Rifle Library the three of them are planning to attend the Human Services Commission meeting. This Friday at 8:00 a.m. all three of the commissioners are

planning to attend in Rifle at the hospital the forum they are sponsoring on oil and gas. Just post it; it's an excess of caution and the best they can do.

Commissioner Samson - The reason he brings it up is because on the WIR they will be gone the 16th, 17th, and 18th. Since he is the chairman of the AGNC, he has been the official designee to attend a sage grouse meeting on one of those days. Where is that at and are you going to be attending?

Commissioner Jankovsky - No, he feels that it's important that one commissioner stay in the county so he is staying in the county while the other two go. He will not be at WIR. He had not been noticed on the sage grouse meeting.

Commissioner Samson will try to get him the information because he and John will be in New Mexico and Santa Fe for that meeting. But we put somebody as a back up and we have an AGNC meeting in Craig this Thursday the 10th. He will find out more about that meeting, who the backup is, see if they can come etc. etc. If they can't he is thinking that meeting was either the 16th or 17th.

Commissioner Jankovsky will be open and happy to attend; in fact, he would probably like to attend that meeting. There is a meeting on the 18th, which is the BLM meeting that he is going to in Craig on sage grouse. He and Fred are going.

Commissioner Samson - Hopefully there will be someone there also representing AGNC. But if not he would like Commissioner Jankovsky to represent AGNC. He believes AGNC has cooperating status which is above coordinating status isn't it, or is it the other way?

Commissioner Martin - It's the other way.

Commissioner Jankovsky - As they left the meeting in Vernal there was discussion about trying to have or maybe to come up with a recommendation for NACO on sage grouse. It's something to try because this is bigger than just maybe the eleven counties that met. This probably includes...They talked about different states.

Chairman Martin - Gunnison would probably be put out if they didn't mention that they have a greater sage grouse. There are multiple working plans within the state, recognized by the state, participation with the BLM, US Fish and Wildlife, DOW and a whole bunch of other folks that worked on those plans accepted and also signatures to those working plans that we need to make sure that they are aware of. Mr. Cagney who is the BLM representative is aware of those but we have to make sure that we have them on record; please mention that. Fred has copy of the working plan; he might want to take it with him.

Commissioner Jankovsky has a copy as well. He thinks the concern is that when you saw the matrix they had it took up a whole page and by the time you get to the local plans and local input it's on the very bottom, which should be the other way. Your local plans should be on the top but it's not.

Commissioner Samson - Thursday after the meeting he will get with Commissioner Jankovsky.

Commissioner Jankovsky had a good meeting on the first with Drew and Matt Hutchinson and Deb on motor pool. They were trying to get an idea of how many vehicles they have how much they are used; these are CNG vehicles and maybe vehicles in our pool that are obsolete. On Wednesday at 2:00 p.m. the CNG group for Garfield CLEEN Energy. Rio Blanco County has put \$1/4 million dollars aside for a CNG fuel station in Meeker and they are also looking at the possibility of getting a CNG

fuel station in Rangeley. They are looking for some partners to help them make that become a reality. Dave Overton is their fleet manager and he was there and he had a complete breakdown on how many miles it would take them before they paid off and when they started making money on their fleet. Also, RFTA was there and said since it will be fleets only they may allow the county to come into their bus barn and fuel; it will be government fleets only. He wanted to get an idea of how many vehicles would be using the bus barn. There would be some sort of a chip, which would say where the vehicle was from, and they would bill on a monthly basis for the use of CNG. That was positive. The library is going to have groundbreaking at 4:30 p.m. and he thinks John will say a few words at that. On Tuesday, tomorrow, he is going to a United Way meeting at 5:30 p.m. They talked about the Human Services meeting Wednesday 9:30 a.m. he has a Garfield CLEEN Energy meeting 1:00 p.m. in Glenwood Springs and the Energy Summit the 11th.

Commissioner Samson - The class with the fifth graders is going well. Because of previous scheduling, he will miss the next two weeks and Sharon Brady will be his replacement. Hopefully he will finish up on the 23rd because they have commitments on those Wednesdays. Hopefully he will invite them on a field trip and they can see the commissioners in action. Tomorrow he and Drew have an FML meeting 2:00 p.m. after the work session. At 6:00 p.m., there is a Fair Board meeting. We went over Wednesday. Thursday he will be in Craig all day the AGNC meeting. That night at the fire station in New Castle; to give a quick report on that they are coming together to fine-tune the IGA. Quite a bit of time spent on logo and he never understood why you have to have so much; but after explained he understood. All day Friday will be the oil and gas summit.

Chairman Martin will only go back to the 23rd where they had a special meeting and the Mayors meeting he dropped in and made sure Mr. Samson was conducting it. He was very pleased to see the attendance. Then to also assist Drew and Mr. Samson, he came to the grand opening of the FML district and it was very well attended. Every municipality, schools etc. were here. He also met with Silt on the 24th regarding their master plan and what they are trying to do. He had a day off and went to the 27th to the Grand River Hospital regarding their health care needs and Drew also attended.

National day of prayer held on the front steps of the courthouse on May 3rd. They also met with Silt at the town hall to discuss finer details in hoping they could put together a grant for the FML they are working on. All three were at the Energy Expo on the 4th. On the 5th, all three attended the senior volunteer luncheon in Rifle. He also returned to the expo to compliment their staff members who manned the booth. They did a very nice job. The control access plan on Tuesday tomorrow, library cutting and the Human Services Wednesday. He wanted to add to the energy forum on Saturday; there have been several requests from Front Range counties to do a field trip and a rig tour. Kirby is working on that issue on Saturday the 12th. However, he might not make it because he is doing the bike rodeo in Silt at 9:00 a.m. on the 12th.

Commissioner Samson has no plans on being there the 12th himself.

Chairman Martin - They would like to see if anyone is available; he knows Kirby and the staff and Miss. Brown are very capable of doing that. If they need someone, they will call us. They can make arrangements on Friday to see what is needed.

Commissioner Samson is meeting with Fred at 2:00 p.m. on Wednesday hopefully to finalize details.

Chairman Martin - That brings us up to date.

Commissioner Samson - One other thing the mayors forum they had Monday in Rifle; Tamra did a great job in presenting our emergency prep plan. He thinks, as they know when they presented to the board, two municipalities Parachute and Carbondale were not part of the mix. Part of his method to his madness of having that meeting was to make sure they understand what that's all about and let them know that they wanted them in there and once they understood the importance of that and getting FEMA money they have to be part of the plan. They are very excited about joining and he thinks they will see very shortly Carbondale and Parachute joining in. Linda Hill gave an hour and a half presentation and did a fantastic job. She fielded several questions from the mayors. It was a big success.

Commissioner Jankovsky - You can see from their calendars that there are situations where three of them are together, there are situations where two of them are together and they are not making decisions. They don't make decisions until they come to their BOCC meeting. If they have to have all those posted then maybe the best thing to do is go through and get a month's worth; but of course the calendar changes. His calendar right now is full through this week and it adds on as you go through the weeks.

Drew - Yes sir. Your administrative staff is already coming up with a preliminary strategy. You can post the paper calendars here in this building, the courthouse, online and their a few different ways to do it. The demands on their time is extraordinary and he thinks when it is actually printed out in calendar form people might have a better appreciation of all the places the commissioners have to be; both in ones, two's or threes. Again it is really what they do when they are together that dictates whether it's a meeting or not. The commissioners have been pretty open about all of this. He did want to comment about the emergency services issue, because they have been discussing that with the county's Director of Public Works and Facilities the responsibility for emergency response is in a few different places within the county.

Chris Bornholdt; the sheriff has some, building and planning has the actual custody of the plans and then sort of the coordinating point is the public works facilities director. The airport director went to training in Maryland was suggesting that sooner rather than later they have to have a coordinated meeting to go over more practical scenarios. Sometimes depending on how that's done, it's called a tabletop. BLM is doing an exercise soon. He is just telling the board that their staff is discussing this because someone pointed out how dry it's been. The danger of fire is real and flooding maybe less emanate but real. And who actually does what in the event of an emergency? Where large portions of the county need to be evacuated to other portions of the county and what that looks like is something they need to be actively discussing and not just have it be a plan on the shelf. So, all that is working.

Chairman Martin - And there is a training for the commissioners as well. The first thing is they have to do a declaration, make sure Jean is aware of that as well and at that point funds can be used outside of the normal budget process. Everyone needs to know what to do and how to do and then get out of the way. He believes emergency managers have also training for elected officials on how to be conducting business at

the same time. He thinks they need to look into that and get that training over here for the elected officials.

Drew wanted to go back to the calendar issue. If we are headed towards new a new practice regarding publication of their calendars, he doesn't know how to begin doing that. We can transcribe what the commissioner said into calendar format the first three Mondays of the month. He doesn't know how they would update it or change it. Did they have any thoughts how they would like to see that happen?

Commissioner Samson thinks the easiest for them to continue as they have and say on the air where they are going to be and what they are going to be doing. That could change. Today is the 7th and they outlined this week but he might get a call to attend a meeting and John and Tom too. He doesn't know it can always be truly up to date but as they report every commissioner meeting, they can say what they have so far for the week. To him that would be the best to do, it's on the record and it's in an official meeting.

Drew - Agreed and they can reduce that to writing, post it physically or on the internet or both. They already have it figured out. Next Monday they will put this item on the agenda under county manager time for the morning and will have a proposal for the commissioners.

Chairman Martin - All this conversation reminded him that he needed to apologize to a citizen they both had the wrong day and he did not meet with them regarding oil shale. He was also approached by the Rifle Elks Club in reference to the air show and why they weren't invited to come back to do their service under the tent. He had no explanation as to why they weren't invited back for beer sales.

Commissioner Samson - Did they contact the airport manager/director?

Chairman Martin - The word was they weren't being invited back for whatever reason and that was it. They asked this board what did they do and why aren't we coming back. They would need a special license 30 days ahead of time isn't it Jean?

Jean - They can do a special events much quicker and that is another conversation the board needs to have. There was legislation last year that allows the board to issue those special events permits and not have the state do it. They need to make the decision whether they want her to continue doing through the state or whether you as the Board of County Commissioners want to issue those special events permits. She thinks it had something to do with the whole new design and not having a controllable space available for them to have the beer garden.

Chairman Martin - Last year they used the tent and fencing. They had a tent with a fence around it and designated seating and also and in and out with people posted.

Jean had a lot of questions about what if's, if they did it this way, that way and she never heard anything else.

Chairman Martin - They didn't make a lot of money; they didn't return a lot of money to the air show, it wasn't a loss. They just wanted to be a part of the community that way to serve the one population that likes beer and concerts. However, they weren't allowed to take the beer outside of their garden.

Drew - Their meeting on the air show tomorrow is at 3:00? He has a schedule conflict but someone from his office will be there.

Commissioner Jankovsky - He is not sure which department in the state maybe it's reclamation sent out a letter on underground coal fires.

Chairman Martin - Yes, that's the US Department of Reclamation.

Commissioner Jankovsky - Garfield County has seven underground coal fires, far more probably double what any other counties have in the state.

Chairman Martin - They do that every year and they still identify the mines and legal descriptions. Some of them are 100 years old.

Commissioner Jankovsky thinks four of them were along Burning Mountain, the Hog Back.

Chairman Martin - It's a lot of coal and a lot of heat. It's something to keep track of.

Commissioner Samson - When is the library thing?

Chairman Martin - Tomorrow at 4:30 p.m.

Commissioner Samson might be able to pop over if the FML is done. If not would he please give them his warmest regards.

**b. Commissioner Calendars**

**c. Approval of Minutes**

**d. Commissioner Agenda Items**

**ADJOURNMENT**

**May 8, 2012**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**SPECIAL WORK SESSION**

**a. 9:00 a.m. Update from the SH 82 Access Control Plan**

**Attachment SH 82 Access Control Plan**

Staff Tamra Allen, Michelle Hanson and Elizabeth Stolfus from Stolfus and Associates in Greenwood Village, Denver presented the plan, provided a Power Point on the plan submittal occurring in the City of Glenwood Springs and into unincorporated Garfield County. Maps were included.

Michelle explained traffic access by reducing the access of Grand Avenue/SH 82.

Access Management are tools that can help a community achieve their goal by managing the Transportation/Land Use Cycle to increase safety, ability to accommodate traffic demands, good management for business, use of local streets and enhanced corridor appearance.

Chairman Martin - This would be an IGA with the City of Glenwood and everyone signing the IGA must be in approval and agree to the changes.

Michelle stated this was a 20-year plan period.

Inform the Community with the presentation.

On May 23, 2012, Stolfus and Associates will hold a presentation to the community at the Glenwood Community Center from 10 a.m. to 2:00 p.m.



*May 14, 2012*

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

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

**4H Rifle and Pistol Shooting at the Fairgrounds**

Gregory Schaner and Kim Schriver were present. The subject and why we are here today is regarding the decision making of the Fair Management in a letter for use of the facility regarding the 4H rifle and air pistol shooting at the Fairgrounds North Hall. Greg stated, I am a certified instructor and in order to continue this program for the youth, we need to be able to use an indoor facility. In March, a letter from Dave Ebeler informed us there would no longer be shooting at the North Hall and no reason was given. Dave did say we could shoot outside after 6:00 p.m. We need an indoor facility. It is critical because at this time, we need to practice for the State Event. Last year, Garfield County held this State Event.

Drew – I am aware of the letter and have discussed this with Betsy Suerth, Facilities Manager. We will respond.

Commissioner Jankovsky - We support 4H and many people are upset.

Commissioner Samson - I know about 4H and instill in people the support. I would like to give direction to staff to rectify this issue.

**Request to Place Benches, Chairs and Umbrellas**

Leslie Bethel – Executive Director of the City of Glenwood Springs Downtown Development Association (DDA). At our Wednesday board meeting we discussed having benches, 25 brightly covered chairs and umbrellas around the businesses in downtown as well at the Courthouse in the open space in front of the Sheriff's office. We are working with Boundaries Unlimited. Business owners want to have these; however, the Public Works Director said, we need to come to this Board for approval. We want to move forward.

Lou Vallario - I have no objections to chairs and umbrellas in front of the Sheriff's office. Leslie requested the possibility of the Workenders Program to take the umbrellas down. Lou- I will look into the possibility.

Chairman Martin – I would encourage you to seek approval from the City to put these on property owned jointly by the city and county.

**REGULAR WORK SESSION:**

1. **Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from**

**the Consent Agenda and considered on the Regular Agenda.**

- a. **Approve Bills**
- b. **Wire Transfers**
- c. **Changes to Prior Warrant List**
- d. **Bedrock Treasury Deposit Agreement - Andy Schwaller**
- e. **Authorize chair to sign collateral assignment of lease rights - mountain family health centers - alpine bank - Drew Gorgey**

Commissioner Samson – I will move that we approve the Consent Agenda items a – e.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**2. County Manager Update**

- a. **Public Meetings:**
  - i. **Request donation of funds to Destination Imagination Team - Kathy Goodman**

Students: Kristyn Folmer, Alex Flores, Lucie Goodman, Amber Reshard and team manager Kathy Goodman presented the request.

Alex Flores - We are requesting a donation of \$1,000 for our Destination Imagination Team. We have qualified at Regional's and State. Now we get to go to the Global Finals in Knoxville, Tennessee. We have around \$2800.00 donated towards our goal of \$9600.00. We've been trying to get as many donations as possible.

Lucie Goodman gave the background; it is a cooperative creative problem solving team. We get together and chose from a number of challenges including improvisation, acting, building community service; anything that involves solving problems.

Amber - Our request is for \$1000.00 to assist with trip expenses.

Commissioner Samson - With that being said, I will make a motion that we support the request of \$1000.00 to fund their trip to the Global Finals in Knoxville Tennessee. We wish you the best of luck. Now, along with that I would give the invitation that you return back to us and give us a quick report on how it went, how you did and how it all transpired.

**Discussion**

Drew - Just make the grant to Rifle Middle School with the purpose as stated.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

- ii. **Request of funds for cooling fans during livestock auction at Garfield County Fair - Levy Burris, Fairboard President**

Levy Burris of the Fairboard, Kim Schriver, Extension 4H Program and Gregory Schaner, Garfield County Livestock Committee for 4H presented the request for cooling fans for the arena. This item was in the budget; however, it was cut. With our Fair wrap up last year, we addressed the issue and brought it to the attention of the powers to be that we need to do something at the Fairgrounds for the indoor arena for cooling due to the number of people and animals in there. We found out last Tuesday the amount budgeted was removed from the budget process. This year there will be more animals and we need a supplemental budget to address these cooling fans for the 2012 Fair in that arena. Levy explained what was needed in size, engineering and installation.

#### **Discussion**

Chairman Martin - Last year we had overheated pigs and it was a real problem. There is a local firm in the area that has these fans.

Drew commented the reason it was cut in the budget was because the need had been recognized for projects in the Road and Bridge Department. If this is approved, it would require a budget supplement. We will bring this to you.

The Commissioners gave the okay to move forward.

Drew - We consider this direction to staff and we will do our best to get this done by the Fair 2012. This could be brought back on June 11.

The Commissioners agreed.

#### **iii. Request for issuance of a temporary liquor license to 35th Avenue Cafe Bar and for the Board to set a public hearing date to authorize the transfer of ownership from the 19th Hole Bar and Grill in Parachute back to the 35th Ave Cafe Bar - Francisco Espinoza applicant.**

Jean Alberico and Francisco Espinoza were present.

Jean Alberico presented and explained the need for a temporary license for the 35<sup>th</sup> Avenue Café Bar Inc. giving the details of the transfer of ownership.

Commissioner Samson - I would move that this Board grant the issuance of a temporary liquor license to 35th Avenue Cafe Bar from the 19th Hole Café Bar and Grill in Parachute and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Samson - I would move that we set the hearing date for the June 11.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

#### **Discussion**

Jean told Francisco, I will be in touch with you and set a time to do this. If I can get Chairman Martin to sign this Temporary Liquor License, these folks can take it with them since they are in Parachute.

Chairman Martin signed the Temporary Liquor License.

**iv. Award of a contract to Rifle Equipment, Inc. for the procurement of a Boom Lift - Matt Hutchinson and Jamaica Watts**

Matt presented the request and stated this was in the budget for 2012. The total for the Telescopic Boom Lift is \$71,033.00. He explained the purpose.

Commissioner Jankovsky - I will make a motion that we award a contract to Rifle Equipment, Inc. in an amount not to exceed \$71,033.00 for the purchase of a Telescopic Boom Lift.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**vi. Request for approval of MKK Engineering as a sole source provider for the drafting of a request for proposal and construction project manager for central control board-Gene Duran and Sheriff Lou Vallario**

Gene Duran and Lou Vallario presented the request and submitted a summary for drafting a proposal and construction project for a central control board. Lou stated this is a sole source provider.

Gene indicated Lou and he worked with staff to plan the upgrade of the jail control and monitoring system at the jail. Since MKK Engineering was involved in the original construction of the jail, and specializes in on-the-shelf systems. They will do the planning, develop the RFP and be involved in the management with a staff member. This is a specialized security project. We request approval for a not to exceed amount of \$102,600.00. The SCAPP money has been saved and should cover the cost.

Commissioner Samson - I would move that we approve an amount of not to exceed \$102,600.00 for the drafting of a request for proposals and construction project manager for central control board for the Garfield County Detention Facility.

**Discussion**

Chairman Martin - This is in the budget and not a supplement to the 2012 budget.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**v. Request for funding for the addition of 3 jurisdictions to the County's Multi-Jurisdictional Natural Hazard Mitigation Plan - Tamra Allen**

Tamra Allen presented and explained the addition of three jurisdictions to the contract with ECONorthwest Natural Hazard Mitigation Plan for the Town of Parachute, Town of Carbondale and the Carbondale Rural Fire Protection District.

Commissioner Samson and Tamra Allen presented this at the meeting with all six mayors. We sold this to them saying they would be eligible for FEMA funds. This will require additional resources. ECONorthwest can complete this project for \$16,000 to \$20,000.

Drew - I don't think you can approve this until it is budgeted, so we will back this back as a supplement.

Chairman Martin - We can give direction not to exceed \$20,000 for the budget supplement.

Tamra will work with Ann for the budget supplement and we will bring a contract back for the Board to review.

Chairman Martin - Let the other entities know we are going to do a supplemental for this.

Commissioner Samson - Thank you Tamra for all the work you have done on this.

### **Fairground Arena Fans**

Drew - Before we go any further in the agenda, what made this a complex project is that the ceiling is unknown whether it is structurally equipped for these 200 to 300 pound fans. There is one portion on the roof where there are solar panels. It's the engineering and not just walking to the shop, buying fans, putting them up and the power service. We will do everything we can but those are the practical obstacles.

Brian Condie - At the airport we have portable fans for a temporary solution. They could borrow these.

Chairman Martin - That's good but we need the air circulation downward.

### **vii. Review and acceptance of State grant for airport master plan & airport business plan Brian Condie**

Brian Condie presented, we are proceeding with our Airport Master Plan and Business Plan. We received a grant application offer from the State of Colorado to assist. The scope of work will be put on paper and submitted to the FAA and State for their approval. Then, we will bring it back for the Board's approval. The contract would be with Jviation.

Drew - We are working on a particular need, which is a localizer to further decrease our approach minimums to allow primary customers aircraft trying to land in inclement or nighttime conditions to remain on instruments longer and go to manual control at a lower altitude. For the record, because the County has done a colossal capital upgrade to the runway, this consultant was chosen because of their ability to provide a business plan.

Commissioner Jankovsky - I will make a motion that we accept the State of Colorado Department of Transportation Colorado Aeronautical Board Division of Aeronautics grant agreement with Garfield County and allow the chair to sign.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

**viii. Oil & Gas Liaison update and energy industry activity summary - Kirby Wynn**

Kirby Wynn and Denise Brown submitted the quarterly update showing a Power Point for the Garfield County Energy Industry Activity including annual well starts, locations of current wells, Energy Advisory Board and other miscellaneous information. Kirby stated the County currently has 18 active drilling rigs. Antero and Bill Barrett will pull one each out of the mix. This Power Point would be available on the County's website as well as Community Counts Colorado where feedback and suggestions are taken. This has a 24-hour hot line for reporting odors, smells, etc and answers of concerned citizens. Kirby presented a four-page history and timeline associated with the West Divide Creek Seep and what is called the 2008 seep. Kirby explained this indepth.

**West Slope CNG Collaborative**

Kirby presented a slide on the West Slope CNG Collaborative saying on April 13 a group of 50 to 60 representatives attended a meeting called the CNG for Transportation, a workshop and discussion regional activities on vehicle and fleet efficiencies, regional planning for CNG including partnerships for fueling stations, vehicle conversions and financing.

**x. Procedure regarding Commissioner calendars, publication - Andrew Gorgey**

Drew - At a recent meeting, the Board indicated they would like more information to the public on meetings, where the Commissioners will be, etc. This is in addition to your regularly required notice for meeting. Drew submitted a handout. This is what the Commissioners do now in their reports at each meeting along with calendars and issues. The manner in which this is proposed is to reduce this to writing for the website on a calendar. This would be a separate section on the Commissioner's Website called "Commissioners Calendar".

**3. County Attorney Update: Andrew Gorgey**

**Violet Control Law and Enforcement Act of 1994**

Drew stated at the time the agenda was due, I had a request from Sheriff Vallario regarding the Violet Control Law and Enforcement Act of 1994. This recognizes National Police Week and one of the features of the week is the flags are flown at half-staff on May 15.

Chairman Martin - There has been an action from John F. Kennedy for this action and has been carried out ever since. Direction was given to staff to lower the flags in remembrance of the Proclamation.

Drew - This was in reference to earlier public law that designated May 15 as Peace Officers Memorable Day.

#### **4. Executive Session** **No items listed.**

### **LUNCH - Noon**

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

#### **Divide Creek Seep**

Lisa Bracken provided a summary of the Divide Creek Seep, said, and said she will follow up with a detailed letter since this is a complex issue. Following the letter, I want to sign upon the June 4 agenda for further information and rebuttal of Kirby Wynn's report on the West Divide Creek Seep.

#### **Clarification**

Drew - For clarification from Ms. Bracken, the space on the June 4 agenda is asking this Board to take action. The issue is you are asking the Board to enter into an agreement with you, an access easement agreement for your property for the purpose of establishing water monitoring on your property.

Lisa Bracken - I do not anticipate a timeframe for that and possibly allow Kirby to do what he needs to do with your office. For the June 4 meeting, I would like to discuss the more specific rebuttal to the characterization from the presentation that Kirby made this morning.

#### **CMC and Source Gas**

Jane Sooch - The Board of Trustee meeting at CMC regarding the Source Gas Compression at Spring Valley.

Chairman Martin - This is an active application and at this time, the Board cannot get into discussion.

Jane - I just want to comment. The Board of Trustees announced it had made the decision to seek legal gas and try to rescind the lease for Source Gas. I have done research of possible sites on and off CMC land. I've been in discussions with the BLM on the Fischer Creek Land, which is under a Special Use Permit meaning no facilities could be built on that land under its current permit. There is a current review of that Resource Plan and it's highly unlikely the land would be rezoned to allow for above ground buildings such as a compressor station.

Carey Cagnon - You are cutting into the specifics of the application and actually getting into details that have not come before the Board. We definitely welcome your comments, all the factors and parties are monitoring when they will come back to the Board. We invite you to come back then.



## **Traffic and Pedestrian Safety Enhancement Project**

Greg Russi from the Town of New Castle and Nick Senn from SMG presented an update on the capital improvement project for the I-70 interchange at exit 105. Today, a request is being made to the Board to provide a letter of support for the Federal Mineral Leasing Funds for the Town of New Castle to provide a preliminary design, geotechnical engineering and environmental studies.

Commissioner Jankovsky - I have a motion that we provide a letter and ask staff to write that letter of support for the Town of New Castle in their application for the Garfield County Federal Mineral Leasing Funds for the preliminary design process, geotechnical engineering and environmental etc as submitted in this letter to us.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	John Martin	

Chairman Martin - Silt is looking for the same type of project; if I was a young engineering looking for something, I might contact the Town Manager of Silt and say this is what we did for the Town of New Castle, are you interested.

## **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

- 1. County Attorney Update - Land Use Issues: Andrew Gorgey**
- 2. Public Meetings:**
  - a. Update on the Advisory Committee on the Land Use Code of Garfield County - Mark Nieslanik**

Mark Nieslanik gave a report on the Advisory Committee on the Land Use Code. We have plowed through Articles 1 through 3 and it is included in the report. Quite a lot of progress has been done on the Code and everyone is very engaged in the process. Staff has been good to work with and we do not anticipate any problems. We meet every other week on Tuesday evenings. Our next meeting is May 15, 2012. We hope to get through Articles 4, 5 and 6.

### **Discussion**

Chairman Martin - Is this the direction the committee wants it go in making decisions as the Code Committee?

Mark - We've had excellent participation from all facets. The facilitator is on board and working with us.

Chairman Martin inquired if there were other requests from the committee.

Mark - No, we're moving forward.

Chairman Martin - Do you see the timeline being met?

Mark - Yes.

Commissioner Samson - Thank you for willing to put in the time.



Commissioner Jankovsky - Mark, this is a big deal for Garfield County and I appreciate what the Committee is doing.

Mark - We appreciate the opportunity to do this for the County.

**b. Consider a request for a third extension the one-year timeframe to satisfy conditions of approval for the RTZ Gravel Pit. A special use permit was issued in 2009 to allow for "Extraction, Processing, Storage and Material Handling of a Natural Resource" related to gravel extraction and processing. The gravel pit is approved on 130.588-acres of a ±1,200-acre parcel located at the intersection of CR 300 and SH 6. The site is owned by 5-Mile Ranch LLC. - Kathy Eastley**

Kathy Eastley, Toby Guccini representative for 5-Mile Ranch and Ivan Gere representing Grand Junction Pipe were present.

Kathy Eastley submitted Exhibits A - H into the record. 5 Mile Ranch LLC owns the property that is 5-miles long at the intersection of CR 300 and Hwy 6 & 24 just west of Parachute. The property extends into Mesa County. In 2009, the BOCC approved a SUP on 130-acres of the site to allow for a gravel operation. Conditions of approval were required to be satisfied within a 1-year period. Because of the intersection issues at Hwy 6 & 24 and CR 300, requests for extensions were made early on in the process. This is the third 1-year extension request due to changes to the operator who will extract the gravel. Originally, the gravel pit was called the RTZ Gravel Pit. The applicant is requesting it be known as the 5-Mile Ranch Gravel Pit. The operator now plans to be Elam Construction known as Grand Junction Pipe and Supply. For this reason, they would like the additional time to review the approvals granted and move forward. The extension would be to July 2013.

Ivan - Our intention is to fully permit this, get the DRMS permit on the property so we can start selling some dirt.

Commissioner Samson - I would move that we, as a Board, grant a third 1-year extension to the conditional approval granted by Resolution 2009-52 for the 5-Mile Ranch Gravel Pit formerly known as RTZ Gravel Pit; conditional approval of the SUP permit shall expire if conditions of approval are not satisfied on or prior to July 13, 2013 and authorize the chair to sign.

**Discussion**

Chairman Martin - It's a tough business out there with the expansion. We need to address CR 300 again and you are aware of that in the Resolution.

**MOTION**

Commissioner  
Mike Samson

**SECONDER**

Commissioner  
Tom Jankovsky

**VOTE**

UNA by roll call vote

**3. Public Hearings:**

**COMMISSIONER ISSUES**

a. Commissioner Reports  
b. Commissioner Calendars

Commissioner Samson - Tomorrow 5/15/2012 the Work Session from 9:00 a.m. to 10:30 a.m. on Procurement; after that we will be meeting with the Carbondale Town Council from 6:00 p.m. to 7:00 p.m. followed by a Town Hall style meeting and continue as long as needed. After that meeting, Chairman Martin will taking off for Santa Fe, New Mexico. Tom and I will fly down the next morning. Chairman Martin has to be there as the Second Vice President of the Western Interstate Region.

Chairman Martin - That is also a business and financial meeting of that particular organization. Drew will attend and Commissioner Jankovsky will remain in town to handle business.

Commissioner Samson - We will be there Wednesday, Thursday, and Friday we will return.

Commissioner Jankovsky - I have the same exact agenda on Tuesday; on Wednesday morning I am meeting with Tamra at 9:00 a.m. to talk about the ULUR Code Revisions, the first round of those that have gone to the Planning Commissioner and are coming back to this Board. Tamra wants to meet with each Commissioner individually and go over the changes. I am open on Thursday and then Friday, May 18 I will be going to Craig with Fred Jarman for a BLM Sage Grouse meeting from 10:00 a.m. to 2:00 p.m. and if no one is present from AGNC, I will represent AGNC as well.

Chairman Martin - Tuesday, May 15, we had an Access Control Plan with CDOT and the City of Glenwood Springs presented to us for comment. We had a Ribbon Cutting with the Glenwood Springs Library on Tuesday at 4:30 p.m. It was well attended and our good friend and historian Carlton Hubbard was there. Wednesday, May 9, we met with the Human Services Commission. May 11, we attended the Energy Summit with 10 counties from Colorado. Saturday, May 12, I took part in the Bike Rodeo in Silt.

Commissioner Samson - Saturday, May 11 and 12 was the Rifle Rendezvous in Rifle with good attendance. We went to the Sawyer Brown concert; it was very good and good attendance.

Chairman Martin - On May 19, is the Carbondale for Senior Matters Yard Sale. Lets' support this event. They generate revenue for their utilities, lease and activities.

Commissioner Samson - On the radar, Tuesday, May 22 is the 4H Scholars at the Glenwood Center for Arts, 601 E. 6<sup>th</sup> at 6:30 p.m. This is for kids who are getting scholarships through 4H.

Commissioner Jankovsky - On Thursday, the 24<sup>th</sup> we have a picnic with the entire NRCS Conservation Districts picnic in Silt.

Commissioner Samson asked Drew to cover for me for the Colorado River District Board Meeting in New Castle at 6:30 p.m. at the Fire Station, so I can attend this picnic with the other two Commissioners.

Drew agreed to attend the on-going formation of a Regional Fire Authority for Commissioner Samson.

Drew - Commissioners, Rifle City Council met Wednesday, May 9 to take up two IGA's that the County will be on the other side off. The first is the co-mingle facility recycling at the UMTRA site. No one knows what to put in each bin. The results on the agenda May 21, the City of Rifle has agreed to close the facility each day to lock and unlock the

gates once the gates are built. They are not taking on any monitoring responsibility. That will be their contribution and the hours of operations are still open. Their staff is present from 7 a.m. to 4 p.m. each day. Some portion of that day and some portion of Saturday is where it will ultimately wind up and at present, we are working out the details with the City.

Commissioner Samson - So that will come before us on Monday, May 21 for our approval.

Drew - On a largest scale, you will also see the IGA that memorializes your verbal commitment to give them \$700,000 out of your oil and gas mitigation fund for infrastructure improvements on the project presented to you; we are in the final drafting stages. We are hoping for Silt next Monday; their project is different in that Rifle has identified their project and Silt has not. You cannot use the exact same agreement for both, it is similar in structure but they are not identical.

Chairman Martin - One of Silt's projects, the Dollar Store has started on the north side of 6<sup>th</sup> Street.

Drew - You are not giving money to the Dollar Store or any other business, Urban Renewal or anything.

Chairman Martin - The development has started and it deals with what they wanted to address - water, sewer, electrical as well as road, sidewalk curb and gutter.

Commissioner Samson - For Drew one question, back to the recycling, would it be premature until we have final approval because I would like to have notices in the local Glenwood and Rifle papers detailing the recycling site so people will be notified that it is open and ready for business.

Drew - It is premature for notice but we will do that and it would be in the Citizen Telegram.

Commissioner Samson - You might put it one time in the Glenwood Post Independent. I would appreciate it; I'm still getting calls.

Drew - This is sort of a prediction regarding June 4, the business of the Board about giving easements to property or receiving from property owners easements with respect to water monitoring is something that would come before you as an item of business. A general rebuttal to this or another presentation is something that citizens are free to show up and comment on anything that you do during both of those schedule sections of your agenda. To the extent, you know any particular citizen is coming on any particular day on any given issue you know because they are not really asking you to take any formal action. This is not new but because it came up today, I wanted to be clear about the strategy for agenizing those things.

Chairman Martin - It is just scheduling five or ten minutes, most likely a half-hour is what it amounts to for Lisa Bracken.

### **c. Approval of Minutes**

## **ADJOURNMENT**

**May 15, 2012**

## **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

## **SPECIAL WORK SESSION**

### **a. 9:00 a.m. Discussion regarding Garfield County Procurement Code and related processes. - Tari Williams, Jamaica Watts, Gene Duran**

Work Session for the Procurement Code. Today Tari stated we need your direction. What we would like to accomplish is a review and adjust revisions to the Code in reference to the changes. We undertook a meeting with various individuals. In 2009, the code was stated that it would be revised.

A handout was prepared to show what has been done. Tari completely reviewed the changes.

Jamaica and Gene Duran were present and provided additional input.

We need direction from the Board to implement the Code. A handout with the changes were given to the Board.

**May 21, 2012**

## **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

### **ROLL CALL**

Commissioner Jankovsky was not present due to an injury to his back.

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

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

### **Acknowledgment**

Commissioner Samson acknowledged Chairman Martin for his election as the First Vice President of the WIR Western Interstate Region Conference in Santa Fe, New Mexico. Chairman Martin attended this conference on Wednesday, we both attended Thursday - Saturday last week. There were about 20-states who attended from the Western United States. Next year, Chairman Martin will be elevated to the President of that organization. Congratulations, all of Garfield County needs to know this information.

Chairman Martin - Drew was there to make sure we did a good job.

Drew - This was no junket; the seminars all had to do with topics relevant to Western Counties including public lands, payments and various financial topics. The interaction and exchange of ideas with Commissioners from other counties who are facing issues relevant to Garfield County is extremely valuable and I too congratulate you, it's not easy to assent to leadership within that group. Notwithstanding the election in November, Chairman Martin is slated to be President of that group next year. This is a real credit to you personally and to the County.

## **REGULAR WORK SESSION:**

### **1. Public Trustee Quarterly Report - Bob Slade & Georgia Chamberlain** **PUBLIC TRUSTEE QUARTERLY REPORT - 03-31-12**

Georgia Chamberlain and Bob Slade gave the report for the quarterly public trustee report.

Bob - This is the income report for the first period of 2012 ending March 31.

Foreclosures were \$33,441.87 in fees for the foreclosure side for the Public Trustee's Office. We are \$12,210.00 in fees for the releases we processed and then the bank has started paying us minimal interest on our accounts. The total income for the first quarter \$45,655.27.

Drew - I would note for the record, your report states on the chart just handed out; does this end March, is that through March 31.

Bob - No, this report is current. The number of filings as of today is 226 filings and 595 foreclosures.

Drew - Through today's date, you are reporting there have been 226 foreclosure filings; extrapolating from that the projected foreclosure total for 2012 is 595. That would be the lowest, 106 fewer than last year and the lowest total since 2009.

Commissioner Samson - I would move that we accept the Public Trustee Quarterly Report with the period ended on March 31, 2012 and states we have a total income at this present time of \$45,655.27.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote Tom Jankovsky - Absent

## [2. 5th Supplement to 2012 Budget - Ann Driggers](#) [Exhibit A 2012 Budget Supplement #5 with resolution](#)

Chairman Martin verified the notice was published and we have proof of publication.

Drew - Yes, proof of publication is verified and a sufficient legal notice was provided.

Chairman Martin - Swore in the speakers.

Ann Driggers, Senior Finance Administrator presented the supplement with Exhibit A for a request of supplement No. 5 for the 2012 approved budget.

She explained the items of interest. She noted a correction. The Capital Fund Balance reduced to \$115,833,796. At the end of the year, we are projecting it to be around \$13,400,000 with these budget supplements.

Chairman Martin - Do we have a motion to close the public hearing?

Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote Tom Jankovsky - Absent

Commissioner Samson - I would move that we approve a resolution concerned with the 5th Amendment to the 2012 Budget and the 5th Amended appropriation of funds as

corrected with specifically the finance technical department change to professional services, \$4330.00 account for the funding of the additional three (3) jurisdiction districts to the County for the Multi Jurisdictional Natural Hazard Mitigation plan.  
Chairman Martin - So they can be covered under FEMA.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote Tom Jankovsky - Absent

**3. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**  
**Jean - All items are available.**

- a. **Approve Bills**
- b. **Interfund Reimbursement Requests**
- c. **Liquor License Renewal: Ken Seidel Enterprises LLC dba The Arroyo Saloon, 398 Arroyo Drive, Battlement Mesa**  
[Attachment Kum Siedel Enterprises Liquor License Renewal](#)
- d. **Liquor License Renewal: Retolisa LLC dba Columbine Restaurant, 3004 Hwy 325, Rifle**  
[Attachment Retolisa LLC Liquor License renewal](#)

Chairman Martin - Do we have a motion to approve?  
Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote Tom Jankovsky - Absent

**4. County Manager Update**

**County Manager Selection**

Drew - Commissioner Samson had indicated we would restart the search for County Manager sometime in July unless there was some indication it might be appropriate to begin sooner. I am suggesting to you to give direction back to staff to begin that search now. The terms of the agreement with the Peckham and McKenney Firm is they are under contract until the position is filled. This is highly advantageous to the County because you don't have to enter into a new contract and pay their base fee. The Board has waited a sufficient time for the applicant pool to settle down. There were multiple searches going on within Colorado both municipal and county levels when we started the search. I am asking for direction for the record.

## **Discussion**

Commissioner Samson agreed. It is time to move on.

Commissioner Samson - With that, I would move that we direct the staff, particularly the County Manager to get in touch with Peckham and McKenney and instruct them to continue the process using the same selection criteria, as before and hopefully we will have a new County Manager within 4 to 5 months.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote Tom Jankovsky - Absent

### **a. Human Services Commission: Behavioral Health**

Drew gave the County Manager update saying the 3rd regular meeting of every month is devoted in part to Health and Human Services.

#### **i. Colorado West - Jackie Skramstad**

[Attachment ColoradoWest](#)

Jackie Skramstad with Colorado West Mental Health and River Bridge Director Blythe Chapman were present.

Jackie provided a handout and explained the program, clients served and common diagnosis as part of the Human Services Commission. Of note, this is our 40-year anniversary.

#### **Discussion**

Commissioner Samson clarified the 10-counties served include Garfield, Eagle, Summit, Jackson, Routt, Rio Blanco and Grand.

#### **ii. ChildHelp River Bridge - Blythe Chapman-Tardie**

[Attachment Childhelp](#)

Blythe Chapman - River Bridge is a non-profit organization with the goal of investigation, prosecution, a standalone advocacy mental health and serve child abuse victims. She gave statistics from when they opened in 2008 to present. River Bridge is the only Child Advocacy Center in Colorado besides Denver. As for grants, we receive the Human Services grants from the County and in addition, we seek other grants; some have already given grants for 2012. We are currently providing forensic interviewing with victims.

### **b. Board of Human Services: Mary Baydarian**

#### **i. EFT/EBT Disbursements**

Diane Watkins, sitting in for Mary Baydarian and Linda Byers the Single Entry Point (SEP) programs, since some of the information has to do with her program area.



First is the approval for the EPT/EFT disbursements for the month of April.  
1) EBT/EFT total is \$957,351.55.

Commissioner Samson - I would move we approve the EFT/EBT disbursements for April of the amount not to exceed \$957,351.55 and the Chairman authorized to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote Tom Jankovsky - Absent

**ii. Addendum for NWCOLTC Arch to be attached to the Area Agency on Aging Grant**

Diane Watkins - This is for a grant that went in last month for senior equipment and caregiver support. It is an Arch agreement that will be attached as an addendum and no signature is required.

Linda Beyer gave the details and said a narrative description of the proposed project was included in the Board's packet. This is adding another program to the grant already funded for caregiver support. We will use the same staffing and add an additional service under the ARCH for these programs.

Clarification:

Commissioner Samson asked what the initials NWCOLTC stood for.

Linda - North West Colorado Options for Long Term Care, the name of this Single Entry Point Program; it's a 9-county Single Entry Point serving Garfield, Moffat, Rio Blanco, Routt and a 4 Colorado Region.

Commissioner Samson - I would move we approve the Addendum for North West Colorado Options for Long Term Care ARCH and that be attached to the Area Agency on Aging Senior Equipment and Caregiver Support Grant.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote Tom Jankovsky - Absent

**iii. Consideration and Signature Approval on Contract Amendment No. 3 with the State of Colorado's Department of Health Care Policy and Financing for Single Entry Point Agency functions**

Diane Watkins - This is an amendment with the State for the Single Entry Point Program and its Revision No. 3 that provides updates, fax sheets and report retro that meets the federal requirements for the current federal requirements.

Commissioner Samson - I would move that we approve and authorize the chair to sign Contract Amendment No. 3 with the State of Colorado's Department of Health Care Policy and Financing for Single Entry Point Agency functions.



<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	John Martin	Tom Jankovsky - Absent

**iv. Program Updates**

DHS 1

DHS 2

Drew - Diane, I want to make sure you didn't have any program updates of any kind that is on the agenda. I didn't know if there was anything in addition to what you have already submitted.

Diane – No additional ones.

**c. Board of Health: Mary Meisner**

**i. Contracts for Ratification: WIC Contract with CDPHE & Tuberculosis Contract with CDPHE**

Attachment WIC Contract

Attachment Tuberculosis Contract

Mary Meisner, Paul Reaser and Jim Rada were present.

Mary - This is additional funds because we've been an over-caseload in our WIC program of around 85 clients for most of the contract year. We received \$20,401.00 in our WIC contract for a total of \$298,556.00 for the year.

Commissioner Samson - I would move that we accept the contract for ratification in the WIC Contract with CDPHE & Tuberculosis Contract for \$20,401.00.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	John Martin	Tom Jankovsky - Absent

**ii. Update Early Childhood Nurse Consultation Contract agreement**

Attachment Early Childhood Nurse

Mary presented the update about the service agreements with our Early Childhood Programs. We now have two preschools we are doing the nurse consultation; the newest one is the New Creation Preschool. We just signed that agreement this month. In February, we signed an agreement with the Children Rocky Mountain School in Carbondale. We have two preschools that we are now providing nurse consultation.

**iii. Mobile Air Monitoring Station Proposal - Jim Rada**

GARCO mobile air monitoring memo 5 21

GARCO mobile air monitoring proposal 5 21

Jim Rada and Paul Reaser presented.

Commissioner Samson – Jim, we hear you are moving to greener pastures.

Jim gave a brief update before saying farewell.

Paul Reaser discussed the proposal for the mobile air monitoring station.

On April 3 at the work session, we were directed to research and present a proposal for the purchase deployment and operation of a mobile station in the Battlement area.

Today, we ask you for a couple of things, funding approval of \$156,154.00 and permission to enter into a formal agreement with Air Specialists for Air Monitoring services.

### **Discussion**

Chairman Martin - Does Wyoming have two of these mobile stations?

Paul Reaser - That I don't know, Wyoming does have at least one from what I recall.

Chairman Martin – Does the State of Colorado have one in operation that you are aware of?

Paul - Not that I'm aware of.

Jim - ARS has been responsible for the development of the mobile stations in Wyoming and all over the County.

Chairman Martin - Good enough. I haven't seen too many of these out there and that's why I'm wondering why not.

Commissioner Samson - I would move we approve the request for funding of the Mobile Air Monitoring Station for an amount not to exceed \$156,154.00 and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote Tom Jankovsky - Absent

### **iv. Air Quality Program Update - Jim Rada**

Jim Rada gave the air quality update of things coming in the pipe here in the next month or so. Paul will present a renewal of the 2012-2013 CDPHE Air Quality Contract, funds that the state provides to us to operate some of the monitoring equipment. This activity coincides with the end of the State fiscal year; these would be around July.

- 1) The Carbondale air-monitoring site is mostly up and running at this point. The equipment installation is nearly completed. We are waiting for the new VOC sampling equipment to be set up very soon. Once set up we will sample every 12-days.
- 2) The 2011 annual air monitoring report will be completed very soon. Target is to have this by the end of June.
- 3) Working on updating the air quality website.
- 4) ARS in cooperation with the County is updating equipment on line.
- 5) Paul completed the wood stove program. Thirty-(30) were replaced. He outlined the amount of funds we were able to receive and expend on replacing stoves and some additional costs.
- 6) We participated in a reduced idling program project via a pass through grant from CDOT and EnCana working with CLEER.
- 7) Working with elementary kids, parents and school vehicles to shut their vehicles off when they are waiting for the kids.

- 8) With the idling project, there will be a final report this summer.
- 9) Paul has been working with Regional Air Quality Partnerships being Mesa, Pitkin, Eagle and possible expand that into Gunnison, Rio Blanco and others to begin to think terms of regional air quality issues and communications.
- 10) A few things are on the drawing board with the State of Colorado. This information is on the website and communication tools to inform our citizens rapidly when anticipating some bad air.
- 11) Radon - Morgan Hill has been our radon person and has done a great job doing outreach and training. Speaking engagements at high schools, other clubs and organizations around the County since the beginning of the year. She's received radon training and mitigation, using grant dollars; she attended a regional radon conference in Salt Lake.

**v. Environmental Health 2012 Legislation Update: Cottage Foods Act & Onsite Wastewater Treatment Systems Act**

[Cottage Food Fact Sheet Guidance 041312](#)

[Cottage Food Producer Brochure 04 18 12](#)

[OWTS \(ISDS\) Act Revision 2012 memo](#)

Legislative Updates were given by Jim Rada. Paul will present the contract for the monitoring equipment the first part of July.

- 1) Colorado Cottage Food Act SB 12-048
- 2) Overview of HB-1126, Onsite Water Treatment Systems Act, pending rule changes in ISDS

**Jim Rada leaving the County**

Jim thanked staff and especially Mary Meisner. He thanked the current County Commissioners and former Commissioners Larry McCown and Tresie Houpt for the first 7-years of the existence of air quality monitoring.

Commissioner Samson - What is the title of new position?

Jim - Working in Jefferson County Public Health as the Environmental Health Services Division Director.

Commissioner Samson - Thank you for all you did for Garfield County.

Chairman Martin - Jim is leaving the downtown confines of Rifle and going to the Taj Mahal working in Jefferson County. It will be an interesting switch for Jim. As we said so many years ago, do we really want to get into this business and the answer was, yes. Thank you Jim for doing a great job.

Mary Meisner wanted to let the Board know that we have been working to make a smooth transition as Jim departs to Jefferson County. We have promoted Paul Reaser to be the new Environmental Health Manager. Paul has been with Garfield County for 5-years and the lead in the air quality-monitoring program.

Mary - We will be advertising for an Environmental Specialist II and will work to continue our strong air monitoring programs.

Drew - I would add thanks from County Administration and the County Attorney's office to Jim for your years of service to Ed Green, Don DeFord, me and everyone else that you have worked for and with. I think it is a credit to both Counties and to you personally for this transition. I think there are times when it is healthy to share what you have learned here somewhere else and to pursue a growth in leadership opportunity. I understand you will be supervising a much larger department as their county staff is much larger than Garfield County. This provides leadership and growth opportunities here and employment opportunity for the Environment Specialist II.

**d. Public Meetings:**

**i. Child Abuse Prevention Needs Assessment Update - Kendra Dunn & Blythe Chapman**

**Attachment Community Assessment**

Blythe Chapman from River Bridge and Kendra Dunn from Prevention Child Abuse Colorado discussed a project getting underway.

Kendra - This is an educational program. We have a new project the River Bridge is undertaking in partnership with us. A handout was presented.

**ii. Request for donation of funds to Destination Imagination/St. Stephens School - Tim Burns**

**Attachment St Stephens**

Kelly Hillbrand, a teacher at St. Stephens School for 16 years who helped bring this program to St. Stephens called Destination Imagination. This is our 4th year and we won at regional's and currently heading for Globals in Knoxville, Tennessee. We are here to request a donation for the students.

Commissioner Samson - I would move that we grant out of our Discretionary funds to St. Stephens School Destination Imagination \$2000.00 to be split equally between the two teams for the Globals in Knoxville, Tennessee.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	John Martin	Tom Jankovsky - Absent

Chairman Martin - We would ask you to report to us how you did at Globals.

**iii. Holy Cross contract and Easement for the Garfield County Regional Airport commercial power to the new FAA VOR/DME - Brian Condie**

Brian Condie - This is for our new FAA VOR/DME instrument approach equipment. We have two items; the first is the easement across the northeast part of the airport property to get commercial power to the site. Two forms were presented. One is a proposed route and an alternate easement granted; we have to go around any

obstructions. The contract is for the trench and conduit to be on our property that will feed the commercial power to this facility.

Commissioner Samson - I would move that we approve the contract with Holy Cross for an easement for the Garfield County Regional Airport commercial power to the new FAA VOR/DME as requested by Brian Condie and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote Tom Jankovsky - Absent

Chairman Martin - Do you want to do a new motion for the Trench, Conduit and Vault Agreement.

Commissioner Samson - So moved.

#### **Discussion**

Chairman Martin - Are you going to stay on top of this one, Counsel?

Drew - Yes I am. There is an indemnification provision that you don't have the Constitutional Authority to grant. I would strike that but you can leave it in there, it's just legally meaningless.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote Tom Jankovsky - Absent

#### **iv. Authority to Motor Pool to eliminate 1 Yukon and 2 Fusions from the fleet - Deb Fiscus** Attachment CNG

Deb Fiscus and Matt Hutchinson presented the elimination of three vehicles currently in motor pool and replacing them with two trucks that are CNG equipped. Motor pool is having difficulty placing these vehicles due to lack of space.

#### **Discussion**

Drew - I'll just let the Commissioners know that this is the result of a series of discussions that include Commissioner Jankovsky and the general observation that the current CNG fleet we have is important to the County for many reasons. We have studied that and this is the first of several steps that will right size that fleet in terms of the numbers and types of vehicles. Part of this is getting rid of the Yukon and Fusions in favor of CNG pickups. In Detroit, it's not a complete within the factory process to generate a new CNG vehicle. They are one-step removed from that and Ford is working with one particular after factory conversion company. On the sale, I want to be very clear; I think Matt said it but we're looking at Kelly Blue Book value plus \$5,000 that we had incurred to convert the vehicle. This is not a fire sale, if we don't get the price we want; you'll keep those and using them for their useful life.

Commissioner Samson - Does the motion need to include the purchase of two trucks?

Drew - Treat them separate.

Chairman Martin - I think you'd have to have specs and everything else in reference as well as the competitive bid price, etc.

Commissioner Samson - So we'll hold off on that item.

Commissioner Samson - I would move that we authorize motor pool to eliminate one Yukon and two Fusions from the fleet at this time and authorize the Chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Martin	Tom Jankovsky - Absent

**vi. Authority to Motor Pool to purchase 2 CNG equipped trucks - Deb Fiscus**  
**Attachment CNG**

Commissioner Samson - Now you need the authorization for the motor pool to purchase two GNC pickups, but you want to come back with this item.

**vii. Award of a contract to Berthod Motors, Inc. for the procurement of an**  
**Excavator - Matt Hutchinson and Jamaica Watts**  
**Attachment Berthod Motors Excavator**

Deb Fiscus, Matt Hutchinson and Jamaica Watts presented the request for the Board's approval to award a firm fixed price contract to Berthod Motors for the procurement of an Excavator. We had a bid opening on May 15 with 4 companies who had submitted bids. The lowest bidder was Berthod Motors with the local vendor preference applied. We are asking the Board to approve or disapprove the award of a firm fixed price contract to Berthod Motors Inc. in an amount not to exceed \$113,210.00 for the procurement of a 80 CS Kobelco Excavator and authorize the chair to sign the contract.

Commissioner Samson - I would so move.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	John Martin	Tom Jankovsky - Absent

**vi. Award of a contract to Rifle Equipment, Inc. for the procurement of a Water**  
**Tanker - Matt Hutchinson and Jamaica Watts"**  
**Attachment Rifle Equipment Water Tanker**

Jamaica - We put this out for bid April 13, opened bids on May 1 and the low bidder was Rifle Equipment for a not-to-exceed total of \$7,100.00 for a Water Tanker.

Commissioner Samson - I would so move.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
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Commissioner  
Mike Samson

Commissioner  
John Martin

UNA by roll call vote  
Tom Jankovsky - Absent

**viii. Consideration of Intergovernmental Agreement between Garfield County and the City of Rifle for Lease of Comingled Recycling Facility with authority to Chair to sign - Betsy Suerth & Drew Gorgey**  
**Attachment IGA UMTRA**

Betsy Suerth and Drew Gorgey presented the co-mingle site in Rifle.

Drew - This is an IGA for a recycling center and we have talked about this a few times on the record. This was on the City of Rifle's agenda last Wednesday May 16. They tabled the item pending clarification on what they term an operating plan. I received a message from the City Attorney and he and I are in agreement that you don't need to make any changes to this IGA. There's nothing that should stop you from approving this today if you want to.

Betsy - With direction this morning from the acting county manager, I talked to the City of Rifle representatives by phone and we agreed verbally that we could have hours of the facility from 7 a.m. to 4 p.m. Monday through Saturday. The City of Rifle staff will work with us to actually open and close the gates. Those gates do not exist now; these would be new gates to enter a newly fenced area around the containers for the recycling collection. We are currently working on obtaining quotes for that fencing and gates. I would like to consider electric gates that we could perhaps remotely control to take some burden off the City of Rifle. Today, we need to talk about the hours, the City of Rifle being willing and able to work with us on any manual opening or closing the gates that might be needed. We will use the operation hours excluding any county holidays until or unless we find those are not working out and we could change those working with the City of Rifle.

**Discussion**

Drew added for the City of Rifle, this is a cost issue so depending on the type of gates, manual or electric, we will make that call but the City of Rifle has staff out there and volunteered to open and close it. We want to be very clear to our partner in Rifle, this is an unstaffed facility. The City staff opens and closes it and we feel we can give it a daily check for these types of sites prone to misuse where someone leaves their old couch or washer. That causes big problems. This is a concern of Rifle and yours, because it is our facility.

Commissioner Samson - We will have to keep an eye on it. The only other thing I would say is thanks. This has taken a long time to get this done. I am glad we are there. We'll have to keep an eye on it and see how things progress etc. The hours are good. I would like to direct the staff to put an advertisement/notice in the local newspapers explaining the hours, giving the location, etc. and perhaps a plea to not misuse it.

Drew - On the timing of the ad, I would suggest you wait until we have the fence up and it shouldn't be that long a wait.

Betsy - No answer today and we don't have a price yet. I should have that by the end of the week.

Drew - To be clear, some of this delay is back and forth who is paying what and whether it would be fenced at all.



Betsy - We have backup plans for illegal dumping that might take place as well as any paper or plastic that could be carried away by the wind. We can get a ComCor team to do a periodical clean up like at the landfill.

Chairman Martin - With that do we have a motion.

Commissioner Samson - I would move very happily that we enter into an IGA (Intergovernmental Agreement) between Garfield County and the City of Rifle for lease and co-mingling recycling facility and authorize the Chair to sign such.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote

**ix. Consideration of Intergovernmental Agreement between Garfield County and the City of Rifle for Energy Innovation Center Infrastructure Improvements with authority to Chair to sign - Drew Gorgey**  
**Attachment IGA Rifle Infrastructure**

Drew - This is the IGA between Garfield County and the City of Rifle for Energy Innovation Center infrastructure improvements. Drew explained the draft agreement along with an important part of this agreement missing. He referenced Exhibit A showing the exact location and nature of the Energy Innovation Center infrastructure improvements. The City needs to determine exactly where the road turns. Commissioner Jankovsky's point makes the record even though he is not here today, which is the matching funds provided by the City of Rifle of \$170,000.00. Theirs will be the first dollars into the project after that you'll notice in the conditions for disbursements of funds; this is a reimbursement model so at some time the term "blank check" was thrown out there, this is the opposite of a "blank check". The disbursements will come out of your oil and gas mitigation funds for infrastructure improvements. You are effectively reimbursing work done based on paid invoices tied to your Exhibit A. I would offer that this agreement would be a model particularly this condition of disbursement of funds paragraph for projects going forward. In my opinion, this is a substantial step forward over your similar IGA last fall and I know there will be other requests from other municipalities. This is a good way for you to exercise your role as trustees of the public's funds in this way. I would ask that you approve it with those conditions regarding Exhibit A and signature authority to the Chair once Exhibit A is finalized.

Commissioner Samson - I would so move. I'm glad it is completed and I'm glad it's going forward.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote Tom Jankovsky - Absent

**5. County Attorney Update: Andrew Gorgey**



Drew - The update is similar as the County Manager update and that is we are meeting this week with the Human Resources Department to discuss staffing for the Procurement Department. Tari Williams is the assistant county attorney that has not been full time but close in the Procurement Department being the defacto head of that department for over two months. We are going to come back and make some recommendations. This doesn't need to be in a public meeting but I may make mention of it sometime in June how that worked out. I neglected to say earlier that it is a real privilege for me to be your acting county manager. I'm grateful for the opportunity, I'm grateful for the trust that underlines the appointment. Thank you.  
Commissioner Samson - You are welcome and thank you for the job you've been doing.  
Drew - There are no executive session items.

### **LUNCH - Noon**

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

Nanci Limbach - I'm executive director of the Pauline S. Schneegna Wildlife Rehabilitation Foundation and that's the capacity I'm here today. We've been doing wildlife rehabilitation for going on our 28th year in this valley. What we requesting is a \$15,000 grant for an estimated \$40,000 for a 100-foot by 30-foot flight cage. When our Foundation first started, Pauline Schneegna was my grandmother and when she passed away, she left the money to build a flight cage for Raptors. The one we have is 65 feet long by 20 feet and it's managed to survive until about the last 5-years we've had such an increase in Bald Eagles, Golden Eagles in the valley now and we're backlogged with about 8 different birds that go into the flight cage, so we're trying to come up with the funds to build a new flight cage for the larger Raptors. We have a gentlemen who gave us \$15,000 if we can find another \$15,000 matching grant. Nanci showed a video. Nanci started the foundation in Silt nearly 3 decades ago and it has grown. The property is some 4-acres and there is a satellite of 150-acres where we hibernate the bears. This is the only foundation in the state that can handle so many different wild animals. DOW calls and tells Nanci they are bringing in a mountain lion in and works closely with the foundation bringing animals that are usually injured or orphaned. The cost to provide food and medical is around \$60,000 a year; add insurance and utilities it is up to \$100,000 a year. This is funded 100% from donations. Nanci is a teacher at CMC teaching veterinarian students.  
Drew - This would need to be placed on a regular agenda to make that request.

### **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

#### **1. County Attorney Update - Land Use Issues: Andrew Gorgey**

##### **ULUR Code Revisions**

Drew - Commissioners, there is a request to schedule 1/2 day on June 25 or June 26 to consider the Land Use Code Resolution.  
Chairman Martin - Those are busy days with Jean. The primary election is June 26.

Jean - The 25th is better for me but this is a mail ballot election, so I'll be fine.

Tamra - Actually, we have a scheduling conflict that Jena made me aware of on the 25th so from a logistics standpoint the 26th is a better day due to scheduling. Tuesday, the 26th from 8:00 a.m. to noon. We'll get through as much as we can. There is a significant amount of content in that document that you will be reviewing but wanted to make sure to get this to you as soon as possible. Our Planning Commission will be looking at the last round of this on this coming Wednesday, May 23 so, we'll post a notice and get this to you as soon as we can.

### **KoKopelli Phase II Pipeline**

Commissioner Samson - We had a side note for a site visit to KoKopelli Phase II Pipeline from Molly. She had three days June 7, 13 and 14.

Carey - Molly is in Rifle today.

Commissioner Samson - The only day I have is Wednesday, June 13.

Drew - For the Code review, we will publish notice for June 26 and then we'll continue the meeting until you are done. This is similar to the Budget Hearings where they are lengthy and one notice is sufficient.

## **2. Public Meetings:**

### **a. [Garfield Legacy Project Update - John Lavey](#)** **[Attachment GLP](#)**

Mary Noone with the Garfield Legacy Project, co-chair of the citizens group Dave DeVanney and assistant and tech support Carey Noone presented.

Mary - We are here to give you an update on what we've been doing and give you an update on the Greenprint Project for Conservation Opportunity that the BOCC helped fund. Mary and Dave explained and a Power Point was given on the concepts. We want feedback from this board and then next steps for us. A handout was provided.

Mary - We hope to have a ballot issue on the November ballot for a request of 1/4 cent sales tax from the voters for a cost of \$39.00 per year.

### **Feedback from the Commissioners**

Chairman Martin - I have a CD for you, Mary and I did some research in reference to the lands in Garfield County border to border. These are lands that are non-buildable including slopes, floodplains, municipality owned, privately owned either already controlled, public lands on through. The big question of course who will own the land if it's purchased for open space. I do have the ballot question from Routt County from that initiative. It is a mill levy and not a sales tax. The municipalities have to reduce the sales tax and be part of the workshop. With respect to the municipalities, if they are maxed out on their sales tax, what are they going to give up or hold a special election to go above what is allowed by state statute if it's a sales tax. If we put a County sales tax on there I think they have to reduce their sales tax in reference to get this one on. That is one of the questions we need to make sure before we go for a sales tax. A work session was suggested for June 19; however, I suggest getting in touch with Jena to schedule.

## **3. Public Hearings:**

### **a. [To Consider a request for a Land Use Change Permit for a Limited Impact Review Application for a Communication Facility - Telecommunication](#)**

Tower, also known as the High Mesa PN-30 Communication Tower, located off of County Road 300, approximately 4 miles south of the Town of Parachute at 1111 Daybreak Drive (File No. LIPA-7153). The Applicant is Daybreak Realty LLC and the Operator is Encana Oil and Gas (USA) Inc. - Glenn Hartmann

Attachment Daybreak Realty Encana High Mesa Tower

For the applicant: Mike Marcus with Olsson and Associates and Dan Cumberland with EnCana Oil and Gas. For staff: Glenn Hartmann, Carey Cagnon and Drew Gorgey. Carey determined the noticing was adequate and advised the Board they could proceed.

Chairman Martin swore in the speakers. Glenn submitted Exhibits A - O.

Chairman Martin entered Exhibits A - O into the record.

Glenn submitted his staff report and gave a Power Point presentation for the EnCana telecommunication tower in Parachute on a current well pad. He also submitted several conditions of approval and a list of revised conditions.

Mark Marcus explained the applicant's description of the project explaining fully what EnCana planned to do.

Dan spoke about the tower as a replacement and the old one on the site would be torn down but using the same building as is presently on site to store equipment. This is another step in upgrading communications.

Commissioner Samson - I would at this time, move that we grant the request for a Land Use Change Permit for a Limited Impact Review Application for a Communication Facility - Telecommunication Tower also known as the High Mesa PN-30

Communication Tower located off of County Road 300 approximately 4 miles south of the Town of Parachute at 1111 Daybreak Drive; applicant being Daybreak Realty LLC operator EnCana Oil and Gas and that the conditions of approval that the staff has recommended be included with exclusion of #8 and #13, the second sentence in #14, I did not catch everything that Glenn said for #15 so if you could help me with that one.

Carey - Since you have closed the public hearing portion, there are modifications to Condition No. 14 and Condition No. 15 as proposed by staff that is reflected in the handout. #14, if you go with staff's recommendation, would be modified by deleting the last sentence of condition of approval #14, as stated in the staff report, and Condition of approval No. 15 would be edited to read as follows: "A waiver from the requirement to submit a FAA form 7461 shall be allowed based on compliance with Condition #14 and the FAA notice criteria tool and FCC analysis provided by the applicant."

Commissioner Samson - That's what I thought you said. Then we need to have a new one that the existing tower would be removed and decommissioned after all systems were okay and working with the new tower.

MOTION

Commissioner  
Mike Samson

SECONDER

Commissioner  
John Martin

VOTE

UNA by roll call vote  
Tom Jankovsky - Absent

**b. To Consider a request for a Land Use Change Permit for a Limited Impact**

**Review Application for a Material Handling Facility - conversion of a natural gas well to an injection well, also known as Cascade Creek 604-1 SWD, located approximately 14 miles north of the Town of DeBeque, off of County Road 213 (File No. LIPA-7168). The Applicant is OXY USA WTP LP - Glenn Hartmann**

**Attachment OXY USA WTPLP Cascade Creek**

Applicant: Craig Richardson with OXY and staff Glenn Hartman, Carey Cagnon and Drew Gorgey County were present.

Carey determined the noticing requirements adequate and advised the Board they were entitled to proceed. Chairman Martin swore in the speakers. Glenn Hartman submitted Exhibits A - Q for the record. Chairman Martin entered these exhibits into the record. Glenn submitted his Power Point, staff presentation and summary as well as a list of edits to the draft conditions #1 - #17 and condition edits for #5, #7, #8, #12, #13 and #14. This is a Limited Impact Review.

Craig Richardson explained the concept of the application but didn't have any more to add other than what Glenn presented.

Carey - In addition to the clarifications on conditions, she confirmed the revised conditions as submitted in writing from staff.

Commissioner Samson - I move we close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote Tom Jankovsky- Absent

Commissioner Samson - I would move that we grant the request for a Land Use Change Permit for a Limited Impact Review Application for a Material Handling Facility - conversion of a natural gas well to an injection well, also known as Cascade Creek 604-1 SWD, located approximately 14 miles north of the Town of DeBeque, off of County Road 213 with the staff recommendations of approval and the changes made as outlined previously to Conditions #5, #7, #8, #12, #13, and #14.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	UNA by roll call vote Tom Jankovsky - Absent

**COMMISSIONER ISSUES**

**a. Commissioner Reports**

**b. Commissioner Calendars**

Commissioner Samson - Tomorrow night, you and I and maybe Tom, 4H scholar program at Center of the Arts at 6:30; Wednesday morning, I will be teaching my last class of 5th graders at Glenwood Elementary and presenting certificates of achievements, etc. I will also give them an extended invitation to them to come whenever they could to a meeting in June at 8:00 a.m. where we could recognize them

and they could stay for a few minutes and ask any questions they might want to ask us or be recognized by us; I will report if that will work out. It would be a field trip for the fifth graders. On the 24th, I have a Communication Board meeting in Rifle at 1:30 at the Communication Center. At 5:30, the three of us will be attending the meeting of the Soil Conservation Picnic at Silt Town Park and Mr. Gorgey will be attending the Regional Fire District meeting at New Castle for me at 6:30. For those who are listening, Friday the 25th, the FMLA applications are due. That is the last day for FML. Hopefully, we're going to work diligently to try and get the FML grants issued on the Friday, the 29th of June. We are shooting from the hip; we don't know how many we're going to have and how big a chore that's going to be because this is the first round.

Chairman Martin - I think you have at least four I know of.

Commissioner Samson - We will have one at least from each municipality but probably many more.

Drew - What is the event where the three commissioners will be on May 24 at 5:30, is that the Soil Conservation District.

Commissioner Samson - It's all three of them, NRCS, Bookcliff, South Side and Sopris. All three are hosting. Silt Town Park 5:30. Monday, the 28th perhaps we will have a day off for Memorial Day.

Chairman Martin - The only thing you missed on the 22nd is the Area of Aging meeting where Georgia Chamberlain is the guest speaker and it will be held in this room at 9:30 on Tuesday. I will be attending that meeting. I did want to report that I thought we had a successful meeting last Tuesday with the Town of Carbondale; I was somewhat disappointed that there were not a lot of citizens afterwards to ask questions and grill us, but we will advertise that better and somehow get the municipalities participation when we have the Town Hall meetings.

Commissioner Samson - One thing we should do right now is this, I know when we have the meetings here that Jena has done a good job. However, for the traveling off site meetings, we have one coming up on June 11 at the Parachute Library. Could you please just double check with them and make sure that we are ironclad set. I assume you are already ahead of me on the advertisements in the newspapers that we will be there so the people will know we will be meeting there. While we're at it, just go ahead and check on the September 10 and December 10 meeting in Carbondale and Silt.

Then while we're at it, let's also check and make sure on August 23, Battlement Mesa when we have our Town Hall meeting and November 8, City of Glenwood Springs so that those City Councils know we would like to meet with them from 6:00 to 7:00 and 7:00 to 8:30 open so that the people know. People in Carbondale seemed not to know we would hold a Town Hall Meeting.

Chairman Martin - I think the Sopris Sun is one of the biggest local papers instead of the Glenwood Post or the Rifle Telegram. The Sun is more of a local paper for Carbondale and the Grand Valley Echo for Battlement Mesa. We might put this on our website as well. It was for Carbondale but the new meetings are what I'm talking about. A couple of items on June 4, we have CCI in Keystone for part of Monday, Tuesday and Wednesday. I see on the 5th, we have a work session and that may be a problem because I believe all three Commissioners will be at CCI.

Drew - I think it's scheduled but there's nothing on the agenda.

Chairman Martin – Well, we need to reschedule any work agenda special session on the 5th of June we want to take care of and abbreviate if possible on the afternoon of June 4 if possible we will be attending CCI through Wednesday. If not we will just be late getting there. We'll do our citizen business before the County Government business. Then I also have a conflict on July, this is letting you know ahead of time, July 16, which is a BOCC meeting. I've been scheduled to be in Pittsburg for the National Association of Counties and will also miss the Air Show which is the 13th and 14th.

Drew - What are your dates in Pittsburg?

Chairman Martin - July 12, 13, 14, 15, 16 and 17th. I will miss the Air Show and I'll miss the 16th. Mr. Samson and Mr. Jankovsky will have to carry the weight on Monday the 16th. I'll be back on the 17th at Grand Junction at 10:58 a.m.

Commissioner Samson - Make sure I understand, if possible, as soon as we're done with our meeting here on June 4th, we'll head for Keystone for Monday night, Tuesday and Wednesday coming back Wednesday night.

Chairman Martin - Then I believe you, Mr. Samson have an oil and gas meeting on the 7th.

**c. Approval of Minutes**

**d. Commissioner Agenda Items**

## **ADJOURNMENT**

**May 24, 2012**

### **SPECIAL MEETING PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

#### **ROLL CALL**

#### **PLEDGE OF ALLEGIANCE**

#### **INVOCATION**

#### **1. Public Meeting:**

##### **a. Reconsideration of County Manager search goals, selection procedures, etc., as referenced on May 21, 2012 - Katherine Ross, Human Resources Director**

Lou Vallario, Georgia Chamberlain and all three Commissioners present.

Katherine Ross - I am going to refer to my notes so I make sure I don't leave anything out.

Chairman Martin - This was after a series of conversations with several people that you are reporting to us.

Katherine - Yes and a lot of mulling things over. I felt it was my fiduciary responsibility to do so and I sincerely appreciate your time. Monday, the Board directed County Administration and consequently me to contact the search firm to reopen the search for

County Manager. I then held a brief conversation with the search executive regarding such and plans for a more thorough discussion on Tuesday. In preparing for the Tuesday discussion, I focused on the County Manager job description, the County's culture, the employees, the Board's overall goals and objectives, search process and procedures. Monday evening, I mulled it over more deeply and focused more closely on the transitional status we are in, it's impact on employees and the work they are trying to do to meet your goals and objectives. Tuesday morning, I held the discussion with the search executive; we discussed several aspects of it using the project management tool I had provided. Then I mulled it over some more and as a result, I felt the need to come before you. The decision to re-open the search really makes sense for several reasons. Four that are real clear to me are these: 1) Waiting until now and letting the market settle could be beneficial for providing quality interested and available candidates, a comment you made a couple of times in the last few weeks; 2) We've been through one complete recruitment and interviewing cycle and those processes always yield a lot of learning and clarity for everybody involved; 3) During this interim period, under Andrew Gorgey's leadership as both the County Attorney and the County Manager, we've restructured, we've incurred savings of at least \$350,000 and we completed the changes required by your immediate attention and resolution so the new County Manager would have a smooth transition into the job; and; 4) The time lapse has allowed all of us to get feedback from stakeholders whether they are vendors, especially taxpayers, employees and elected officials. Those are all positives; however, since you're not required by statute to reopen the search before we go further down that road, I'd like to provide you with some considerations, concerns and another option. The search would conservatively take three months and typically, it takes six months from start to finish. That's a time gap that causes me concerns for two reasons: 1) It leaves some important decisions in limbo because they cannot be decided until the leadership is decided; and 2) It adds to a sense of instability already created by the poor economic conditions in a time when a sense of certainty and predictability are needed in the things we can control. Speaking of the uncertainty there are no guarantees if we reopen the search, we'll find the right match the second time around. It may take additional time. Finally, I think we really must separate the management and legal roles we have during this interim period. It's been working really well because the staff are highly qualified individuals and they have the County's best interest in mind. But it is not really a good situation. Although there is value in reopening the search, there are things to consider that are causes for concern. I have another option I'd like to propose and that is to fill the job internally. If we fill the job internally, we not only resolve the areas of concern but you get somebody that you've already hired so it's a known quality that is a match. The individual has proven his ability to do the job because he's doing it intermittently. In addition, which is a big plus here, he knows the County. That is a huge asset in the job of County Manager; you can hit the job running. So, I'm here today to ask you to consider actually doing two things. 1) To rescind your direction to reopen the search and direct me instead to send out written communication to the search executive to that affect; and 2) If he chooses to go down that road, then I recommend you actually ask Andrew Gorgey to discontinue any County Attorney role and become County Manager, and negotiate a contract with him to that affect. Now in anticipation there are any questions, I did some research on what that would mean. Due to our restructuring, the



job is now broader and deeper in level and scope of responsibility because it incorporates the work performed by two eliminated senior level position. I took that into account and looking at the level and scope and the job market, as a result I think it would be appropriate for the contract to be our standard employment contract for County Managers, run from June 1, 2012 through December 31, 2013. They are usually a year contract and since we're half way into the year and for stability and consistency, I would run it for one and one-half years. Include a base compensation of \$145,000 include a severance package of four to six months and include the standard and typical fringe benefits available to all regular full time employees. To sum up, I am providing you with the option to consider rescinding the direction to reopen the search and if you chose to do that, to really opt to go internally and offer negotiations with Andrew Gorgey to become County Manager.

Chairman Martin - Questions of Katherine.

Commissioner Jankovsky - No, thank you for your presentation.

Chairman Martin - Lou, come on up to the table.

Lou Vallario - I would like to weigh in on this topic, the Sheriff's office is in a very close working relationship with the County management and this Board. I do have a stake in this game although the County Manager and the County Attorney don't directly work for me directly but they work with me very well. When there was a need to change County Manager you hired a professional firm to screen applicants and supposedly at the time provided you with the best in the market yet that still didn't meet your criteria. I think that's very sound of you to say, this just isn't what we're looking for. On the other hand, you have a person here more by chance that design in Drew Gorgey that came in as your County Attorney and has done an admirable job in the acting capacity as County Manager and quite frankly the criteria you are looking for you have right here. I would definitely suggest and I would definitely support, if Drew is interested and it is probably something we should ask him, that he be given the position of County Manager and then seek out an additional County Attorney. Drew has done a great job and been so receptive from my position as Sheriff working with my organization. I have watched him tirelessly doing two full time jobs. He has more energy that any five people I've seen; but I think it's time and there comes a point where he can only burn that candle at both ends for so long and a decision needs to be made. I honestly believe given the search, the criteria, given what we're already seen with Drew, he's your man for this position.

Chairman Martin, Commissioner Jankovsky and Commissioner Samson thanked Lou for his comments.

Georgia Chamberlain - I support what Lou has said and every since Andrew Gorgey has come to the County, he has been very supportive and respectful of all of us elected officials. He challenges us to do an ever better job and provide the best service we can for all of Garfield County and its citizens. Lou pointed out Drew is energetic and he's been very helpful to not only me but my staff would support him being our County Manager.

Chairman Martin, Commissioner Jankovsky and Commissioner Samson thanked Georgia for her comments.

Chairman Martin - It's not a real surprise to the three of us up here on this consideration, we've been looking at that for a while. We asked Katherine to really work on this particular issue and give us some positive feedback if it is within the scope and within



the legal framework. I've had conversations with the other two at the end of this table and the recommendation is a good recommendation. I want to hear from the other Commissioners.

Commissioner Samson - Well, I think we probably need to make a motion and then discuss it.

Chairman Martin - We could unless you want to discuss other possibilities.

Commissioner Samson - My parliamentary procedure, I do know a little bit about. Tom wasn't here and I made the motion to open it up to another search and voted in the affirmative, so it probably falls upon me to make the motion to reconsider the County Manager search, selection procedures etc as referenced on May 21. That would be my motion at this time.

### **Discussion**

Commissioner Jankovsky - I can vote on this can't I.

Chairman Martin - It is for reconsideration and Mr. Samson is correct, it needs someone in the affirmative that made the motion to reconsider the consideration. I was there also so there was a quorum. I can support that particular motion and we can discuss what happens afterwards. The motion is made, a second and Tom, any comment from you.

### **Discussion**

Commissioner Jankovsky - No, later but not on this motion.

Drew - So the motion on the floor is the motion from May 21.

Chairman Martin - That is correct. So Mr. Samson.

Commissioner Samson - I think Katherine makes some very valid points. I have said this several times in public meetings that Drew has my full confidence, he has done I think an admirable job since January 3, so we're coming close to six months where he has been in a dual role. He has done everything we have asked of him. I still remember the very first time when we appointed him acting County Manager and at that, I said I think we need to pay you more money because you're going to earn it. He refused and then came back a couple of months later and we negotiated etc. I was glad to see that. He has earned his money. He's doing a good job and I think it's great that we have other elected officials who are willing to come and go to bat for him and say we'd like to see him become the County Manager. I feel that the County and I've said this several times, the County is in great shape, we're doing well, of course you can always improve but we're doing well in many many aspects we doing very well. I talked to my fellow Commissioners while at WRI, AGNC, or whatever it might be NACO and they're having problems, a lot of problems. We don't have those problems. We are blessed. Now, I don't want Drew to get all the credit for that hopefully we get some credit for what we're doing right but I know a big part of that is because of his leadership and what he's doing on the County Manager level as well as the County Attorney level. I don't want to reiterate all the things Katherine has said but she makes a very compelling argument as to why Drew would be the best individual at this time to continue the continuity and go forward. I believe we work well with Drew and I can speak to that personally, and for the other two Commissioners. Drew, I think if we were to take a poll, just conjecture on my part, but I think the vast majority of the employees as well as the County feel confidence and would feel good that Drew is our new County Manager.

Commissioner Jankovsky - I agree with everything that's been said. When we didn't select a County Manager about two or three months ago, it was because we have somebody to compare with and that was our acting County Manager and to some extend the department heads that report to him. We didn't have candidates that were the caliber we have right now. I think it's very possible to go back out again and that we're not going to find somebody with the caliber that we have now. To move internally is very positive and we've done a number of positive things in the last six months. The first one was the reorganization of the organizational chart. We do have some department heads that are looking for stability, leadership, guidance and mentoring. I think that by doing this we accomplish that; we have let almost \$16 million dollars in Road and Bridge contracts during that time period, we are not only doing that but Road and Bridge is already working towards next year, which is something as a goal that hasn't been there before. It is a goal and we're looking forward instead of reacting or acting. In our Procurement Department, we're looking at changes in procurement, which create better checks and balances. That was done though Drew's guidance. We have new people in IT and many other things I can talk about. The FLM Board is as much County Attorney as County Manager that is in effect and it's going to be very positive for our County for years to come. I think this is a good move. One thing that you talk about is the culture of our organization and how we get somebody that fits into that culture. Drew understands that culture right now and understands not only Garfield County culture but the overall state culture of Colorado. This does provide sustainability and that's very important as well. So, I concur and would like to move forward. I'm very pleased with this decision.

Chairman Martin - When I took on the role of a grandfather advisor on this particular issue with those two people at the other end and I had quite frank conversations with both of them. I made both of their days and weeks, etc. There are some challenges that they both have to meet and I know that Drew is very interested in moving forward as the County Manager. Carey has stepped forward and said she would assist the County in a very large way to assist the Legal Department into continuing the process they are doing. She may need a little help but that is going to happen. Drew, are you still interested today, as you were the day or so before? Do you have any buyer's remorse? This is a huge huge step forward and we will continue to stress that challenge. I know you can rise to the challenge and I know Carey can rise to the challenge as well. Before I take a motion, I want to hear from you that you're still committed and willing to step forward and do this.

Drew - I would answer that question, if I could give a piece of legal advice. Could I ask you, the motion on the table is to go out for a search with the search parameters as announced on the record? My response to your question depends upon whether you vote that up or down.

Chairman Martin - Okay, I'll let you reserve your comments. You've given legal advice to go ahead and make another motion to continue or to rescind that particular motion. We have voted to consider it but we haven't said go forward or to rescind it. We'll stand on that formality. Mr. Samson, are you ready to make a motion.

### **Amended motion**

Commissioner Samson - I think it would be proper at this time that I move to rescind our action as reflected on May 21, 2012 concerning County Manager search goal, selection, procedure, etc.

Chairman Martin - To end and rescind it.

MOTION

Commissioner  
Samson

SECONDER

Commissioner  
Jankovsky

VOTE

UNA by roll call vote

**County Manager Position**

Drew - Now you are talking about the County Manager position. I will state, I want to answer your question. I want to tell you the goals, as I understand them and sincerely appreciate your Human Resources Director's leadership. Your question to me is about buyer's remorse and what that means is to be the County Manager and means not to be the County Attorney. That is an excruciating question and I'm very candid about that. Why, the obvious reason is I've spent my, almost my entire professional life as an attorney. It is something that I care deeply about. It is something that I'm committed to. You would not have found, could not have found a more proud person anywhere than when you named me as your County Attorney last year. I've never worked harder for an interview, I had a tremendous amount of support, I felt it was a position I had earned through my career particularly nine years in El Paso County and starting it as a docket level Dependent and Neglect Attorney in a Magistrate Division and within a few years rising to the Attorney right past the County Attorney. So, of course, I don't give that up lightly. That matters because knowingly giving that up should be an illustration of my commitment to you as your County Manager. I know what I'm giving up. I know Commissioner Martin will probably be putting a stick or something between my teeth during Board meetings so I don't say anything legal from the County Manager chair. Chairman Martin - If you do take this, you will be sitting at the other side of the table. Drew - I know.

Commissioner Samson - You'll be in better company over here.

Drew - You know, I think it is fair to sort of tell you why, it's not just about the County Attorney position anymore and I received some very good counsel to look forward to and look at what is about to happen as distinguished from the County Attorney position. County Manager is one of the ultimate public service positions in government. Public service has always been a part of my life. I would like this opportunity to serve the County in one of the highest possible levels; I would be proud to do so. Second, I am fascinated as my own office can tell you about organizations and what makes them work. Why are successful organizations successful, what are they doing that sets them apart from those that are not. How organization grow and change over time has always fascinated me. There is an election this year, you have people who have come and gone and every time things like that happen and things come up, organizations have to change and adapt. I'm fascinated about how to do that successfully. I'm 100% confident I can help you do that. The organizational opportunity right here right now is an excellent challenge for me; I want the challenge. It is also an opportunity for person and professional growth which whenever those come. I am the type of person who pursues them. I also want to be your County Manager because I would be an excellent County

Manager. Anyone that you interview who doesn't tell you that is not someone that you should hire. Okay, therefore, I'm telling you that. I do have the energy, organizational skills, business sense and knowledge of local government; I have respect for elected officials and for you the Commissioners. I understand there are only ever three Commissioners period. It is an essential understanding for both the County Manager and the County Attorney to always have. When counties sometime get at odds, it is because that understanding is lost and I will not lose that understanding. I have the leadership and communication skills to be your County Manager, I have the familiarity with your organization right now, this County right now and most of all I have the commitment to professionalism and to excellence that are required for me to success. Now, as having served as your acting County Manager for almost five months and at the same time as your County Attorney, I know I can do the job. I'm looking forward to carrying out your vision, your policies with the County Manager as my sole responsibility. I want to follow through on the multiple projects and organizational improvements that we've begun this year and one of the deciding factors, I'll tell you this Commissioner Samson, one of the deciding factors is this is an opportunity from that chair in that role to do more good for more persons both in the County and in the community. It is a difference to supervise 300 persons or so and be responsible for \$120,000,000 or so as compared to nine persons in the County Attorney's office and some fraction of that budget but with all the legal responsibility. I love the people who work here, the best way to show people you care about them is to actually care about them and I do. As far as the County Attorney's office, I've never worked with a better group. If you decide to go this direction, I look forward to telling them that in person. I would, if you go this direction, I do have a recommendation to you. I have a substantial body of local government legal knowledge; I have direct responsibility now for dozens of legal matters and legal issues. I would like the opportunity to act at the direction and control of whomever you would name as the Acting County Attorney but not of course, the County Attorney wants that identified. It is in your legal interest to not just say, cut and good luck. I have a responsibility to recommend you don't do that.

Chairman Martin - No, there's too many loose ends in particular that we need to deal with and that was one of our discussions that we've had with both of you in reference to that. At this point, do I have then a motion to select Drew Gorgey as the Garfield County Manager?

Commissioner Samson - Well, do we want a motion to that or do we want to enter into negotiations and set all the parameters and get everything worked out.

Chairman Martin - There is a contract that we can probably work on if we wish to do so, I would like to start the process. Carey, I gave you an assignment, how is that looking?

Carey - It is in progress, I think if you were to entertain a motion this morning to appoint Drew Gorgey as your County Manager then we could recess and finalize that contract, then we could resume later on this afternoon. Following the negotiation on the terms to adopt, dot the i's and cross the t's.

Chairman Martin - How does that sound Mr. Samson?

Commissioner Samson - I have to be in Rifle at 1:30 for a Communication Board meeting.

Chairman Martin - You have a phone so you could take part in a phone conversation.

Commissioner Samson - When can you have it ready, can you have it ready at noon?

Carey - I can have it ready at noon, yes.

Commissioner Samson - If she has it ready at noon, we're in business.

Commissioner Jankovsky - That's good for me too.

Chairman Martin - Okay, thank you.

Commissioner Jankovsky - I will make that motion that we appoint Drew Gorgey as our County Manager and allow our County Attorney staff to produce a contract that we can review and get it signed later in the day.

Commissioner Samson - Reconvene at noon today for that purpose.

Commissioner Jankovsky - Yes, reconvene at noon.

Chairman Martin - We'll need to follow-up on that one. We'll take this motion first.

Drew - For the record, we did substantial revision of the County Manager contract just a few months ago when it was renewed and I will not presume what the next person would do, but if that's the basis, it's already prepared, if it's names and numbers and a few additional terms, I understand.

Chairman Martin - That is exactly where it is now.

Katherine - My research concurs with that.

Chairman Martin - The reason I base that is because you did in your opening presentation give some of those details in reference to recommendations.

Commissioner Samson - Do we need to do anything in reference to electing a County Attorney.

Chairman Martin - Well, upon signature of the contract it removes the County Attorney to the County Manager upon that acceptance.

Chairman Martin – Carey, as our Acting County Attorney and under terms that will also be discussed openly, she will remain an employee. She is not a contract employee but she is a regular employee taking on additional duties as assigned and then we will talk about any compensation that is needed to fulfill those but she would have the power and authority to run the entire office on completion of negotiation with Drew. Is that understood, is that what we discussed?

Carey - That is what we discussed.

Chairman Martin - She is willing to go ahead and step forward to assist the County in this matter.

Katherine - She can bring that information.

Chairman Martin - That is what I would look at so you are not going blindly down the path, I think if we can reconvene by noon, finalize the agreement with Drew, then make that appointment official. We'll take that as a motion and then go through that process with Carey.

Commissioner Samson - Do you need a motion?

Chairman Martin - I think we need to wait until our County Attorney is appointed so he is not left out of this particular issue. He is acting as both now until the contract is signed. Once the contract is signed, what the terms are agreed upon, then there are some stipulations within that on who's going to be acting as County Attorney and when. We need to have that contract in front of us before we have two acting County Attorney's

and Manager, etc. or no manager. If we can go ahead and recess until noon, where we call it back to order, Carey has some assignments and then we'll bring those forward. Commissioner Samson - Did I hear correctly, did you say you had figured out by having the County Attorney and County Manager position combined and the other things, we've saved over \$350,000.

Katherine - Yes, annual in salaries alone.

Commissioner Samson - Can we get that in the Commissioners discretionary fund?

Chairman Martin - No, there's two other elected officials that would like to have that in their budgets right now. We want to thank everybody, I know there's some work to be done but thank you very much. We'll be in recess until noon.

## **Recess Until 12:00 Noon**

### **Consideration of a Contract with the County Manager and acting County Attorney.**

Chairman Martin - We are back in session. We asked for review of the proposed contract. Carey, has that been done.

Carey - That is correct, you do have a draft in front of you. I would take a minute to highlight some of the assailable paragraphs, trust lawyers to make a letter that is six pages long. First, you'll note that it does have the annual salary as you stated this morning of \$145,000.00 in addition to that there is an offer for three months' severance upon termination of this agreement, if it is a termination without cause. If it is a termination with cause it would be a one month severance or no severance depending upon the reason that it is being terminated and that's spelled out on page three, subparagraphs one and two, these would be reasons that would prohibit you from providing any severance and that seems appropriate. In addition, we also discussed this morning; I did include the ability for Mr. Gorgey to serve as a special assistant County Attorney during this interim period only so it would commence his first day as County Manager and it would terminate on the first day of employment of a new County Attorney. This would enable our office to continue to function with all of Drew's on-going projects and areas where his expertise is necessary but again this would be a limited role and it would be upon request of your acting County Attorney. There would also be no additional compensation for the services that would be included within his annual salary. Also included in here is the ability for him to continue working as the Federal Mineral Leasing District Attorney so there is an acknowledgment of no conflict in his performing that role as well as while he's now County Manager. Finally, on the last page this is an official acknowledgment of the termination of his services engagement letters for County Attorney.

Chairman Martin - The extent of the offer is for eighteen (18) months.

Carey - The term would be starting June 1, 2012 through December 31, 2013; there is an obligation to the Board to let him know your intent by November 15, 2013 if you intend to renew that agreement so you start negotiation before the 11th hour on that but it would extend. Where the eleventh popped in my head, it's worth noting that the statutory authority for a contract of this length is provided in Colorado Revised Section 30-11-101(1)d would permit a contract that exceeds one (1) year.

Chairman Martin - We entered into that for the stability of the County itself for not only this year but into next year simply because there is an uncertainty that the County will be in secure hands and that's what we're considering no matter what happens. Mr. Samson, any comments.

Commissioner Samson - No, I'm ready to make a motion.

Chairman Martin - Mr. Jankovsky, any comments. Then I'll turn this to Drew.

Drew - I accept it, I've signed both originals here and now and presuming you have a motion etc, I accept. I would to the extent it is necessary to say, this agreement is almost identical to the agreement reached with the prior County Manager, the severance term in this agreement is identical to the one that I had as your County Attorney, and I accept it as appropriate. There is another salient term for the record that the receipt of any severance is conditioned on execution of a waiver and release. I expressly accept that term and all the terms here and I think it is highly unlikely that you will ever need to deal with any of those types of terms.

Chairman Martin - And we did put the one in there as acting as a special assistant to the County Attorney. Are you able to accept that particular issue and only requested to by the County Attorney?

Drew - That is correct and I remain your County Attorney through May 31 so I have a very busy week and strictly speaking, as I remain your acting County Manager for that week too. This is the last week of doing both in that posture and I would work only when asked to after June 1 by your acting County Attorney. That would terminate once your full time County Attorney is here on his or her first day and I'm clear on that though I'm happy to help. For the record that is a consent term so if asked I need to consent to help but you will have my consent.

Chairman Martin - Thank you very much. Mr. Samson - Any comment.

Commissioner Jankovsky - No comments, I'm ready.

Chairman Martin - I'll accept the motion.

Commissioner Samson - I would move at this time that we authorize the engagement of services for Andrew Gorgey as the Garfield County Manager with his term beginning June 1, 2012 and commencing December 31, 2013 as stated in the document and authorize the Chair to sign.

MOTION

Commissioner  
Samson

SECONDER

Commissioner  
Jankovsky

VOTE

UNA by roll call vote

Chairman Martin - Congratulation and condolences at the same time. However, that does not end our business today. I do need another motion in reference to again dealing with replacement after June 1 and that would be the County Attorney acting as County Attorney. I would like to ask Carey, that document has also been prepared is that correct. Have you circulated that particular document at all?

Carey - I don't believe Commissioner Jankovsky has seen this yet.

Chairman Martin - We'd like him to see that one as well.

Carey - And I'll provide more information.

Chairman Martin - Thank you. The reason I bring that up is because we probably won't have a meeting between now and June 1 so that is a time constraint issue but we need to have an official appointed County Attorney even though it would be a temporary position. I want you to read those particular conditions and see if there is any issue that you may or may not have. We need to bring it up now, then pending the acceptance and then the appointment on June 1. Open comments, does anyone want to say anything.

Commissioner Jankovsky - I have read through it so I'm good to go.

Commissioner Samson - I would move we approve the acting Garfield County Attorney interim appointment of Carey Cagnon as such for the time being until such we get a permanent County Attorney whoever that may be.

Commissioner Jankovsky - And allow the chair to sign.

Commissioner Samson - And authorize the chair to sign.

Chairman Martin - And that position takes effect June 1, 2012 and when we have a transfer from again Drew to County Manager, Carey will then take the helm officially on June 1. Is that acceptable to you Carey?

Carey - That is acceptable. I would also like to say a few words. I don't think anybody in this room is more disappointed that I am. Drew's decision to move to County Manager but to echo what he said this morning, I'm here in this position because I believe in public service and I believe the choice that has been made in the best interest of the County, so this is much greater than myself. I'm extremely fortunate to work with a very talented group of individuals most of whom are here supporting this transition and I know that I will get the support I need during this interim period. Sometimes we are called upon to take on greater responsibility and take on leadership earlier than we thought we would be called upon to do. This is definitely one such time in my life. I am excited about the challenge, I believe very strongly in the County Attorney office, I believe in the people I work with and it will be different having Drew over there but I'm sure that we will continue to work together as well as we have with our office. Because our office is here and to those who may be listening, I would iterate that the County Attorney's office has a mission statement and that mission statement is: "We are committed to excellence and the legal representation of County Government; we will be courteous, efficient and ethical and maintain a professional and positive work environment." During this interim period, I remain committed to that mission statement, as I have been until this date. Thank you for the opportunity and I look forward to serving as your legal counsel.

Chairman Martin - And you can look at this as a battlefield promotion. I understand what your position is and again you're rising to this level of supervision upon request above and beyond your call that was originally assigned you. I appreciate it, that's the type of people we need, and we all are able to rise to those occasions. Thank you very much.

MOTION

Commissioner  
Samson

SECONDER

Commissioner  
Jankovsky

VOTE

UNA by roll call vote



Chairman Martin - I'm sorry Carey you're committed. Your battlefield promotion is confirmed. Fred, any comment.

Fred - Good afternoon, just very briefly, I wanted to commend you as the Board for these changes. From the chair, I sit in and the perspective I've had for at least the last ten years, I think this is a very positive move that you have just made in both respects. I think certainly from the staff that I work with we have worked with both Drew and Carey very closely since their fairly recent arrivals to the County. We're encouraged by this so I just wanted to thank you for the decision and offer my continued support for myself and my department; you will continue to have that and I look forward to working with both of you in your new capacity. I think the County is in very sound hands. I'm very encouraged in the direction we're going.

### **Suggestion to do an Internal Search**

Drew - Commissioners, as your County Manager elect, I would ask for direction to staff with respect to the County Attorney search and if I can be heard on the point, I can in Ms. Ross absence I think, lay out the parameters. May I be heard?

Chairman Martin - You may have the floor.

Drew - All right, the County remains under contract with the executive firm of Peckham and McKenney. In conversation between Ms. Ross and Mr. McKenney, he represented to her that the firm will honor its commitment to fill the position for which they were contracted to search. You contracted for County Manager and you now have a County Manager. The search firm will conduct a search for County Attorney for no additional cost beyond travel expenses and no additional base fee. I wanted to begin with that to suggest that there are advantages and disadvantages to going in that direction. First, the advantages and I'll tell you that as the person you chose through the use of that firm and as someone who observed that firm's work in the County Attorney selection. I heard about the opening for County Attorney in 2011 not from Peckham and McKenney but from the Colorado Counties Attorney Association and specifically through one of the specialty legal group meetings. At that meeting, Peckham and McKenney was brought to my attention. Therefore, I say that to you to tell you that I found out through channels other than your direct distribution through that firm. That said, I felt that one of the advantages of using the search firm is I was able to gather a substantial amount of information about the County before I arrived. The brochure, the particular interview steps that required me to answer questions, a screening phone interview and then the rounds of interviews here. I learned far more about the county, who was here and what I'd be doing than I ever have in any other process. I thought it was an excellent process, I speak very highly of that firm and not just because I got a job out of it. I think they are ethical, professional and search firms just don't always do what this firm is offering to do, which is you can use us again if you want at no charge effectively. That's sort of the advantage that is there. I also want to tell you that I don't believe using that firm is necessary and I'll explain why. Unlike the County Manager position in which really could be a national search because a management position unlike the attorney's position is not tied to any licensure. In order to be the Garfield County Attorney, you must be licensed to practice law in the state of Colorado. I grant you there are persons with Colorado Law Licenses outside of the state but as a practical matter, your employment pool is right here in Colorado. The best way and I've spoken both with Katherine Ross and just by happenstance this morning with Carolyn Dahlgren; the way to best access

that pool is to use the channels that are tied to it. Like what - the Colorado Bar Association, their website and any of their publications, CCI, which you know and any of their publications, the Colorado Counties Attorney's Association have two services that are heavily used in terms of local publications, any of the Front Range papers, the ones you are familiar with the Denver Post, Rocky Mountain News, the Gazette in Colorado Springs, the Pueblo Chieftain, the Fort Collins paper, the Daily Sentinel and all of our local papers etc. I believe in very short order you could post the job description for the County Attorney, which while I'm still your County Attorney, I suggest needs review at a minimum by myself and Katherine Ross and probably the three Commissioners can clean that up pretty quickly. It's in good shape but you need to update a few things. Then there's a position announcement. Those are really the two key documents, the position announcement, what the position is and so those parameters probably require more input from you. In terms of what else the search firm could do for you, I am confident talking to county management, I'm confident in your Human Resources staff to conduct almost all of that on their own. You've learned a tremendous amount by investing in these searches about the value of preliminary phone screening and questioning. I am confident that using this method and adopting some of those tools including group interviews if you wanted to again include the elected officials, which I think you should, perhaps some of the department heads at your discretion and county manager at your discretion. I think you can recreate it faster and to a more targeted pool doing it on your own. One of Katherine's basis this morning for her recommendation was the County has been in this period of uncertainty for quite some time. It speaks to whether you use Peckham and McKenney or not, I really think you are targeting the same people, I think you can reach them quicker this way. You also have CCI and CCAA conferences coming up the week after next. So, if there is a position announcement open that you can hand out to point to people, you're going to target an awful lot of people. There will be hundreds of lawyers there and I don't mean to limit it to County Attorney's another list that should be added would be the Colorado Municipal League as there's some cross over there. This is a system in my opinion, the County Attorney's office is a system, I have viewed the County Attorney's office as an institution that under Don DeFord and Carolyn Dahlgren have carefully fostered and I hope I contributed a little to that in my short time. There are attorney's out there, I'm certain of it. I think they're within this County and the adjacent counties. I think you're going to get a sharp applicant pool and just get to it. I don't think the full-blown, let's do a color brochure and all of that is going to find your attorney in Vermont. I think they are within the borders of our state; and the way to reach them is to get it out there on all of these other things.

#### **Use of Search Firm Peckham and McKenney**

Chairman Martin - That's the pros and cons. We need to give staff direction in reference to what we want to do on this, either to start it now or to go with Peckham and McKenney, do it on our own or use the professional firms.

Commissioner Jankovsky - I kind of think, I'm trying to simulate what Drew had to say but when there is no expense for us for Peckman and McKenney other than travel, I think there's some benefits to use their services and they will take some of the burden off our Human Resource Department. They will come back with a pool of probably ten to twelve that would get cut back to probably six that we would interview, I think their

process might be a little longer but I somewhat look forward to working with Carey for the next three to six months and give her the opportunity to be a County Attorney. I have complete confidence in the attorney's staff and the attorneys we have on board, so that would be my preference. I'd be comfortable either way because I believe our next County Attorney will come out of Colorado.

Chairman Martin - I sure hope so. Mr. Samson.

Commissioner Samson - I hate to disagree with you, I'm not sure that's the case, I think there maybe some really qualified people who do not live within the state that might be interested in locating here. I hate to disagree with our new County Manager right off the bat...

Drew - Good practice...

Commissioner Samson - I don't agree with you there, I agree with Tom in that if Mr. McKenney's services are basically free to us and no extra cost etc, then I think we should utilize that service. We used it well to find you and it did us well; and if it's not going to cost us more so I think we should go that route. I'm not so sure we want to just limit it to Colorado people. There may be somebody from a neighboring state or wherever that has Colorado credentials or could very easily get Colorado credentials; or we might get somebody that lives right here in Glenwood Springs. It could be either way but I think we need to open that door a little bit wider.

Chairman Martin - Your preference is to go ahead and use the professional firm as well.

Commissioner Samson - Absolutely.

Drew - Understood.

Chairman Martin - I thought we could move forward but I will yield. I'd like to be able to do our own interviews, etc and we choose who we choose but if we have a preference to use Peckham and McKenney, we will then contact them and start that particular one with the parameters we used prior, unless you wish to change any of those parameters for County Attorney.

Commissioner Samson - No, they worked well last time.

Commissioner Jankovsky - No, I think they worked fine. I would just like to say too that this might put more stress on the attorney's office and you know you do have the ability to hire outside help, contract labor and that's still there because you will be short one attorney.

### **Direction to Staff**

Chairman Martin - That option is still open to you even though we did that; we will go ahead and then direct Ms. Ross and our Acting Manager and Attorney that we go ahead and contact Peckham and McKenney, offer the same parameters and look for a County Attorney.

Drew - All right, that will happen, understood.

Chairman Martin - Any other business we need today for our Special Meeting. If not, thank you very much and we'll all get back to work.

Commissioner Samson - Congratulations to you two.

Drew - Thank you.

Carey - Thank you.

Commissioner Jankovsky - Thank you to the County Attorney's office.

### **ADJOURNMENT**

June 4, 2012  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**ROLL CALL - 8:00 a.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA - 8:05 a.m.**

**1. Response to Oil & Gas Liaison report of presentation May 14, 2012 - Lisa Bracken**

Attachment West Divide Creek

Lisa gave a power point presentation, which is the attachment. She would like to come back allowing the board and Kirby to review.

Chairman Martin explained the monitoring well process she would need to go through. He asked for a copy of Lisa's CD.

Commissioner Samson feels she should visit with the COGCC as this board has done what all they could.

Chairman Martin praised her for the work she has done on this subject.

Lisa would like to come back on July 2nd.

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

Peggy Timmons felt the commissioner might be missing the point here. There will be further drilling in a sensitive area and it is hard to understand, as a resident of Silt, who relies on the Colorado River as their watershed, which comes from Divide Creek.

Currently, she cannot drink the water as it makes her sick. She thinks the county would want to continue to this monitor area to keep an eye on what is going on.

Chairman Martin explained there were many monitoring wells that will be there for a very long time. Chairman Martin asked if she had city water and she did. He explained that water tested very well.

Commissioner Jankovsky explained there were at least 12 monitoring wells in that area above Lisa's land and they are showing the water is fine.

Lisa – Actually, the water is not fine, it has benzene in it. The monitoring well they are referring to are upstream of new impact that happened in 2008; there are no monitors in the area of 2008 seep. It's as if the county is willing to accept an unknown level of risk and pass it on to the citizens; which is unacceptable.

Commissioner Jankovsky - All we can do is look at the testing being done in those wells. He does disagree on the 2008 seep.

Drew wanted to let the commissioners know that the new Director of Environmental Health Paul Reaser was present for the citizen comment as was the oil and gas liaison Kirby Wynn.

## **REGULAR WORK SESSION:**

- 1. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**
  - a. **Approve Bills**
  - b. **Wire Transfers**
  - c. **Changes to Prior Warrant List**
  - d. Authorize Chair to sign Resolution Modifying the Garfield County Energy Advisory Board to add CMC as a Member - Carey Gagnon**  
Attachment Reso Modifying Energy Advisory Board
  - e. **To Authorize the Chairman to sign the Resolution of Approval for the Communications Facility at Ski Sunlight. Applicant is Ski Sunlight, Inc.- Fred Jarman**  
Attachment Sunlight Resolution
  - f. **To Authorize the Chair to sign the Resolution of Approval for the West Rifle Communication Facility (LIPA 7064). Applicant is Clough Sheep Company, LLC - Molly Orkild-Larson**  
Attachment Clough Communication Facility Resolution

Chairman Martin - Do I have a motion to approve the consent agenda?  
Commissioner Mike Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

## **2. County Manager Update: Andrew Gorgey**

- a. **Public Meetings:**
  - i. Glenwood Springs DDA Pocket Park: BOCC Direction to staff - Randy Withee**  
Attachment Glenwood Springs DDA Pocket Park

Randy explained the north street corner of the 7th street parking lot and is asking about the potential budget for this item asking how the board wanted to proceed.  
Leslie Bethel was present and explained this is already approved by the City and they are ready to go.  
Drew explained that the county owned approximately 75% of what is the parking lot and owns 100% of the parking lot that contains the pocket park; he would consult the county

attorney's office to see if they would need to amend any agreement they have with the City. Also, they need to finalize an agreement with the common area in the government complex across the street. The 7th street lot is still a joint owned lot. It is public property that he is now responsible for.

Commissioner Samson - I would move that we direct the staff to proceed with the project to finalize a design and to finish the bid documents and advertise for bid and bring those back to us so we can look at the bid and scope of work.

Chairman Martin – All right we have a motion and a second to go ahead and to do that through capital funds with the final documents and the bid process which is 60 days, 30 days advertisement, come back and get it done within 60.

Randy – Yeah, I'm hoping to get with Derrick and see how far along, get the drawings, maybe get someone in, get procurement and get it out. Also just a clarification would it be not to exceed \$50,000.00?

Chairman Martin - Mr. Samson did not do a dollar amount other than he wanted to see the bid process.

Commissioner Samson - I'm not going to put that on there; let's just see what happens.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**ii. Presentation on the Roaring Fork Food Policy Council - Gwen Garcelon**  
**Attachment Food Policy**

Gwen thanked the board for their vote and support of local farming. She is here today to let them know about the farm to school initiative and it has been positive so far. She invited the commissioners to see some local growers and a potluck dinner on June 16th. They are asking the board to allow Tamra Allen to be a formal liaison and participate in the Roaring Fork Food Policy Council as a representative of the county. Chairman Martin – The 16th will be a conflict because of Strawberry Days. He would like to be able to have the board sit at a monthly meeting every now and then so they could see what is going on first hand.

Commissioner Jankovsky feels it is important to have local organic foods. He talked about HEAL and their role in the community. He has a few concerns using coal and natural gas to run these operations and also having staff in this group. He would like a county commissioner to be involved as opposed to a staff person.

Gwen explained more groups are trying to be more self sufficient with solar arrays.

Commissioner Jankovsky will try to be a member of the HEAL group and follow-up with this. He also had no problem with Tamra attending as well.

**iii. PSS Wildlife Foundation request of funds for flight cage - Nancy Limbach & Erin Gorsett**  
**Attachment Wildlife Foundation**

Nancy - Showed a documentary regarding her foundation. They are in need of a flight cage as it is not big enough for all the birds. \$15,000.00 has been promised by a gentleman if she could get a \$15,000.00 matching grant from the county.

Commissioner Samson - I would move that we grant the request of \$15,000.00 matching funds for a flight cage to the PSS Wildlife Foundation and take it out of the discretionary funds.

Commissioner Jankovsky - And before I second that I'll just note for the record this is a non-profit organization and also that I always the one that wants matching funds and the matching funds are already there. So, I will second that motion.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Jankovsky	UNA by roll call vote

**iv. Stormwater Management Plan Update contract to CH2MHILL - Brian Condie**  
**Attachment Airport Stormwater**

Mike Ballard - This was approved back on March 30th and this is the basic scope of services that H2M Hill would perform. It is basically the same as the old master plan. There are new permit requirements for storm water releases. He explained how that worked and it will be issued by the state.

Carey Gagnon has reviewed the release to Contract Number 8 and she believes it is sufficient for \$41,141.00.

Commissioner Jankovsky - I'll make a motion that we approve the scope of services for the storm water management plan update for Garfield County Regional Airport, which would be the release to Contract Number 8 between CH2 M Hill and the Board of County Commissioners at \$41,141.00.

Chairman Martin - Motion and a second; authorize the chair to sign as well is included in that motion.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**v. Consideration and approval of a Contract Change Order for Paving in**  
**District One to United Companies - Deb Fiscus**  
**Attachment United Companies Change Order**

Drew - The road supervisor has a salutatory obligation to report to the board monthly about the progress of pending road projects. To his memory this is the first time they have seen this report in this way. It is 100% coming from Deb Fiscus.

Deb made a correction on the report; the \$650,000.00 contribution from Occidental, it was in fact EnCana that did the work on the road. She is here today to request a



change order for United Companies paving contract to add in a one-inch leveling course on the chip seal project roads. It would be an additional \$511,035.00.

Chairman Martin explained this will make it last longer especially during maintenance and improves drainage.

Drew explained it will not require a budget supplement as it is within budgeted funds.

Commissioner Jankovsky had questions regarding the price. To come back with a 50% increase, he questions whether this should go back out to bid.

Deb - GemCo and United both bid on the chip seal project; GemCo doesn't do paving projects. They will chip seal and make the roads last longer by putting the one-inch leveling coarse underneath.

Drew had similar questions when put to him but the difference between this approach and the approach originally approved is the change order. Without the one-inch leveling course these roads will be back in front of them again for chip seal in a 3 to 4 year time period. With the leveling course, investing this 1/2 million now that time horizon is effectively doubled. He was told 10 years; you can be conservatively and say 7 to 8 years. He feels they are spending 1/2 million today to save \$1.5 million or a substantial sum in 3 or 4 years time.

Carey is not familiar enough with the contract to know what the risks are for declining the change order at this point or putting it back out to bid. She would have to come back to them.

Chairman Martin asked if they wanted legal to come back today or postpone this.

Commissioner Samson asked why it wasn't or was it addressed in the original bid.

Deb explained this was not addressed; she explained they patched the roads from their bulk asphalt money, haul it themselves which wasn't the ideal situation but it was the most economical. The one inch is a better way to do it to make the chip seal last longer and she can only respond by saying she guesses it wasn't done in the contract because this was the way it was always done.

Commissioner Samson wants to make sure in the future; they put it in the bid for transparency purposes.

Carey - They have pointed out the first step is to go back to the scope of services under the original contract and ensure this change order would be appropriate. Put it back to the board to see if they would want to put it out to bid or is it permissible to put out as a change order. This is something her office can accomplish today and it can be addressed later today.

Chairman Martin - We will table until we receive legal advice.

#### **vi. Discussion and direction regarding the pending Sutey Ranch land exchange with the BLM - Fred Jarman**

##### **Attachment Sutey Ranch Information to BOCC**

Fred - In the packet the board has is a letter penned to Congressman John Salazar, Senator Mark Udall and Michael Bennett on July 6, 2009. This highlighted the position of the board for the Sutey Land Exchange. Fred included maps to give a broader array of properties that are connected to this exchange. Davis Farr sent a comment letter and the BLM's news release of this year, which highlights what they are doing and the process for comments. There is extra acreage added to the Sutey Ranch for a total of



557-acres with all water rights. The BLM news release also points out some of the criteria used and ultimately what is the best benefit for public. The deadline for the current comments is June 20th. The BLM would then initiate the EIS process and they are hoping to make decision next year.

Commissioner Jankovsky feels it benefits the citizens. He would like to rewrite the letter and add items that have been mentioned by Fred concerning water rights. He also sent a note to Stacy, the Mayor of Carbondale asking if the Town was in favor of this and they are. He and Fred will get together.

**vii. Discussion on a letter of support for the 2nd oil shale RD&D EA comments in support of American Soda and Exxon Mobile Exploration RD&D leases - Tom Jankovsky**

Commissioner Jankovsky believes the comment period is the 16th when they have to be in. He doesn't have a letter ready and would like to defer this to next week. He would like to support the two RD&D leases.

Chairman Martin would like to research what the rules and regulations are on any leased land on development of oil shale.

Commissioner Jankovsky - This is in Rio Blanco County where the RD&D leases will be.

**3. County Attorney Update: Carey Gagnon**

**4. Executive Session**

- a. Upon the affirmative vote of two-thirds of the commissioners, the Board will adjourn to executive session pursuant to 24-6-402(4) (b), C.R.S., to confer with its attorney for the purpose of receiving legal advice on specific legal questions regarding certain county owned property.

**2. Public Meetings:**

- a. Consider a request for call-up to determine whether to uphold, modify, or reverse the Director's Determination of approval for a Floodplain Development Permit (FDPA 7167). Applicant is Tom Bailey/Iron Rose Ranch - Gale Carmoney**

Fred - The requesting party has requested to withdrawn the request for call-up.

**3. Public Hearings:**

- a. To consider a request for a Land Use Change Permit for a Limited Impact Review application for a Communication Facility - Telecommunication Tower, also known as the Noble MX3501-N Tower, located off of North Battlement Parkway, approximately ½ mile east of the Town of Parachute (File No. LIPA-7115). The Applicant is the Town of Parachute and the operator will be Noble Energy Inc. - Glenn Hartmann**

[Attachment Parachute Noble application](#)  
[Attachment Parachute Noble staff report](#)

Carey - The board should have received an e-mail from planner Glenn Hartmann this morning on behalf of Noble Energy requesting this application be withdrawn.

**Comment from Citizen not on agenda**

Mike Blair wanted to comment on the previous item about the oil and gas research question. He supports the County Commissioners on that and appreciates their cautious efforts towards this issue.

**4. Executive Session**

Commissioner Samson - I would move that we go into executive session for the items as explained by our legal counsel.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Samson - I move we come back into regular session from executive session.

Chairman Martin - No action or decision was taken.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**REGULAR AGENDA: BUILDING & PLANNING ISSUES**

**1. County Attorney Update - Land Use Issues: Carey Gagnon**

**b. To consider a Text Amendment to the Unified Land Use Resolution of 2008, as amended to add new regulations regarding Optional Premises Cultivation Operations (OPCO) for Medical Marijuana also known as 'grow operations'. The applicant is the Board of County Commissioners - Fred Jarman**

Carey noted for the record that text amendments only require notice by publication, which must occur at least 30 calendar days prior to the date of the public hearing, which was done within the time period. With proof of publication in hand, notice is sufficient and Mr. Jarman may proceed.

Chairman Martin accepted notification and swore in the speakers.

Fred gave a power point presentation.

Rob gave a power point presentation regarding maps showing grow op locations and buffer zones.

Lauren Maytin, Attorney who lives in Aspen represents a lot of businesses who participate in the medical marijuana program. She has spoken to this board before. She and her partner were some of the people who helped write Amendment 20. She is pleased and thankful that some of her recommendations have been heard and incorporated. She wanted to address how to measure the 1,000-foot distance and does not want them to go any less than as the crow flies. She also wanted the board to consider rural zoning. She would advocate no signage; the state does require some signage inside. She is imploring them to get licensing in place by July 1st if they plan on having licensing.

Pete Tram represents Dog Star Inc. Their company is involved in trying to buy two OPC's in Garfield County. They are concerned whether they can do business or continue to do business in Garfield County. They are concerned they will not be allowed to have their OPC in Garfield County and their MMC and MIP in Pitkin County and still do business. He wanted the board to hopefully help them do business. He also had a problem with the 1,000-foot radius.

Commissioner Jankovsky and Pete Tram did get into a discussion about what medical marijuana is doing and how it is getting down to the children. Commissioner Jankovsky feels there are huge social issues.

Carey talked about what the board could and could not do; their job is to decide what land use regulations are appropriate for Garfield County.

Chairman Martin - Are we ready to close the public hearing?

Commissioner Jankovsky - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky - Do we need to address the moratorium or will that be at a different time?

Chairman Martin - Once these are adopted then you can move to go ahead and remove the moratorium; am I correct council?

Carey - Before you remove the moratorium, she would recommend that they do a separate and independent resolution addressing that and it would also address some of the loose ends around licensing. She can bring that to the board on June 11th. She thinks they can move forward with land use regulations independent of tying off the moratorium.

Chairman Martin - Do land use first.

Commissioner Jankovsky - I'll make a motion that we approve the text amendment to the Garfield County Zoning Resolution of 2008 as amended to add new regulations regarding optional premises cultivation operations as attached in Exhibit A hereto, which would be items number i through roman numeral 1 - 9, no, I'm missing that. It would be number A through number J with some changes. I would like to change "c" to no signs shall be allowed, I don't know maybe just take signs out. I agree with Ms. Maytin, we

have "e" and "c" conflict with one another. So no signs be allowed. I agree with Ms. Maytin again on 1,000 feet as the crow flies.

Chairman Martin - That's what you wish to amend instead of the legal walking distance?

Commissioner Jankovsky - Yeah.

Chairman Martin - And that is because of the Federal standards and that's the foundation?

Commissioner Jankovsky - The Federal standards yes. I do think the place of worship and public parks; I'm gonna leave those. Also in "F" I would like to reinsert no land use change permit shall be issued to an optional premises cultivation operation that is connected with a medical marijuana center or an MIP center, medical infused products center outside of Garfield County.

Chairman Martin - So you're limiting the grow operations through sales to stay within Garfield County

Commissioner Jankovsky - Yes, to dispensaries and MIP centers in Garfield County.

Under "H", I would like to add for OPC or optional premise cultivation operations that existed prior to 6/21/2010 and have been confirmed by the Board of County

Commissioners in a public hearing shall be required to provide proof of that approval.

Number I to change that to on sight notice shall be posted in a conspicuous location in each optional premises cultivation operation on a legible sign as required by state law and regulations. Cross out "a" - "d".

Chairman Martin - We've got a couple of more things; are you going to continue the zoning as it is or do you wish to consider rural zoning within your motion?

Commissioner Jankovsky - No, isn't that in here? I guess it isn't.

Fred - It is; all of Exhibit A is included is what's being proposed.

Commissioner Jankovsky - Right all of Exhibit A.

Fred - It's underlined as to what's being added on the bottom of the second page, over to the third page.

Commissioner Jankovsky - That's correct, all of Exhibit A including, and the items I'm changing are "a" through "j". Exhibit A starts on page 11 and goes through 15 with the changes that I made in "a" through "j".

Chairman Martin - I just wanted to answer that question. Also, the level of review is administrative?

Commissioner Jankovsky - No, the level of review would be there in page 13, limited review.

Chairman Martin - Which is subject, all of them are subject to call up by anyone the applicant, the Board of County Commissioners, the staff or unaffected citizen or whatever.

Commissioner Jankovsky - And I guess for those grow ops that were here prior and shown that they've existed prior to 6/21/2010 that are in rural areas they will then have to come in individually and ask for what's the...

Fred - Local verification.

Commissioner Jankovsky - Yeah, well not local verification but there are going to have to ask us to approve that through a, it's not a text amendment but through a limited review.

Fred - Right, so by passage of this in its form, it sounds like your moving toward it. It would render any business in the rural zone district as illegal business. That business

would have to come to you and provide you with evidence to say I was here, operated before your zoning laws went into effect and before your first moratorium went into effect. Here's my evidence of that and at that point, you have been calling your local verification process. That's how you have treated the last four that have come in front of you. And those points that you'd make a decision or not if that's the case. If you do it then it's maybe a question really with Carey but you have then the result. Are you a lawful legal non-conforming land use and so that's the larger legal non-conforming... Chairman Martin - Non-conforming use within that zone and then you have a hearing on that particular issue. Justify one way or the other either to continue it or not to. That risk is taken by establishing rules and regulations. So that's your point.

Commissioner Jankovsky – Yes that was the point.

Chairman Martin – All right very good. Mr. Samson.

Commissioner Samson - I'll second the motion but I will not be voting for it because I think I need some more time to ask some more questions of my own of certain people. There are things in there that I don't agree with one of which would be I don't think it should just be a limited impact review. But there are other things as well. I don't feel like I'm ready to vote on this. This is a very very complicated thing and I share Mr. Jankovsky's concerns about the youth of this county very much being associated in the education as a professional teacher and administrator for 30 years. I have grave concerns about this operation. So there's where I stand at the moment.

Chairman Martin - So you're asking for a continuance for the final vote before we go on the record? Is that what you're asking? The motion is there, you seconded the motion.

Commissioner Samson - I'm just saying if you two want to pass it you can; I'm not prepared to vote on it so I would vote against it at that time. But if you feel that it's necessary to vote on it at this time.

Chairman Martin - Would that be information that you would get outside of the public hearing to make your decision because we would have to return and open up the public hearing process to put that evidence in.

Commissioner Samson - I just need to think about it some more on my own and read through this a little bit more with some of the things that we've been presented today.

Chairman Martin - We could table this final decision for seven days; could you make that decision next Monday?

Commissioner Samson - Could we make it fourteen days?

Chairman Martin - I think there's a time limit on that ten days isn't there? It could be; I think its ten days. I think we would have to go ahead and make that decision within a time specific.

Carey - It's not a ten-day limit for a legislative action. So you could continue the public hearing to a date certain that could occur next agenda meeting or the following. You would have to take action on this prior to the moratorium expiring on July 1st. So that leaves you with open dates on June 11th and June 18th to address any action and issues.

Commissioner Samson - We could have a special meeting.

Carey - Correct.

Commissioner Samson - If we deem it necessary.

Chairman Martin - I would like your full participation and honest answer so that these folks will understand what the zone text is and how to go forward and if your

uncomfortable making a decision today I'd much rather delay it a short time so that you can have a firm foundation.

Commissioner Samson - I'd rather it be the 18th than the 11th.

Chairman Martin - Substitute motion that we continue this discussion until the 18th?

Commissioner Samson - Just withdraw the motion.

Chairman Martin - If it is continued until then you wouldn't have to withdraw it.

Drew - Do you want a legal interpretation? Roberts Rules of Order you don't follow them but to the extent, you follow them, a motion to continue takes precedence over the motion on the floor. I have a motion that's been made and seconded to approve this with Commissioner Jankovsky's additional language; if there is a motion to continue and is seconded and approved that motion would then be continued to whatever date you say.

Commissioner Jankovsky - And it might be good to get that language on paper so we can see it. You know I would like to get this done but I respect Commissioner Samson and I'm willing to have a motion there to continue.

Chairman Martin - So you second then; date specific was the 18th.

Commissioner Samson - Please.

Chairman Martin - That is seconded and also on clarification we'd love to have Mr. Jankovsky's motion in written so that we could review that so we can make a final decision.

Commissioner Jankovsky - And then just for the public this will not be reopened for public comment; is that correct or is that possible there would be additional public comment?

Chairman Martin - If it needed to be continued we could reopen it I guess at that time if there's information that needs to come forward for the public record and participation, yes.

Commissioner Samson - To make sure, if there are people here that wish to comment we could reopen it so they could.

Chairman Martin - It would take a motion to reopen that particular meeting yes.

Commissioner Samson - I'm asking that as a question.

Carey - I'll defer to the chair; it would take a vote of two of the three of you to reopen the public hearing and portion of this hearing. Upon that vote, you could accept additional testimony and additional evidence. Without that vote, you have closed the public hearing portion so you would be limited only to deliberation upon the continuance.

Chairman Martin - That's right and the piece of information that is the verbal motion that we would see in writing, you would also research your material without consultation unless it's legal advice that you would need and you would have to disclose any....

Commissioner Samson - Does that preclude me from talking to Fred?

Chairman Martin - Yeah, that's a staff member.

Commissioner Samson - So I can only talk to legal?

Chairman Martin - Yes.

Commissioner Samson - Okay.

Chairman Martin - Is that understood? Everybody's out of hot water.

Commissioner Samson - How do I get it so I could talk to Fred and ask him some questions?

Chairman Martin - Open the public hearing so that the information that Fred is providing you is heard by all. Otherwise, it's ex parte communication.

Commissioner Samson - We need to do that now then, so that I could do that.

Chairman Martin - We can take one more motion and that is to reopen the public hearing and then we have to take action on that.

Commissioner Samson - But then there's no way I can do that unless it's in this meeting?

Chairman Martin - That's correct.

Commissioner Samson - I don't want to do that.

Chairman Martin - So the motion stands that we are going to continue this until the 18th.

Commissioner Samson - Yes.

Chairman Martin - And that was a second.

Commissioner Jankovsky - I have a second.

Chairman Martin - The first question will become moot if we have an affirmative vote on this one and that is to approve with the conditions that you have so stated. Everybody square? Procedure wise I think we're pretty well on solid ground.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Chairman Martin - It will be continued until the 18th at which time we will see the added document of verbal testimony, verbal motion by Mr. Jankovsky in front of us. At that time, Mr. Samson can make any motion you wish to after we have our hearing.

Carey - And that would be 1:00 p.m. on the 18th.

Chairman Martin - Thank you for putting up with us. I know it's procedural but it's one of those issues but when you get challenged by these attorney's and thank God their here.

### COMMISSIONER ISSUES

Commissioner Samson - Betty Scranton called, she wanted to visit with us today at 1:00 p.m. items not on the agenda and he told her he would not be here. She will probably come on the 18th instead of the 11th because we're in Parachute on the 11th. Number two; did you receive the letter from Levy Burris?

Chairman Martin and Commissioner Jankovsky did.

Commissioner Samson - Number three; Frank Breslin, the Mayor of New Castle has requested a work session between the board and the City Council of New Castle. Can we schedule that sometime or can we direct the staff to get in touch with him?

Chairman Martin directed Drew Gorgey to set-up the work session with New Castle.

Commissioner Samson gave a report on FML. We are working tirelessly on 14 applications and the 15 criteria on each one of those. Each of us will judge them.

Commissioner Jankovsky - What was the dollar amount they are applying for.

Commissioner Samson - \$4.3 million and we have \$1.6 million available. The three of us will have to go through that and judge them according to the criteria and hopefully we will have that by 5:00 p.m. on June 13<sup>th</sup> and hopefully we will be able to issue those grants on the 29th of June. But we have left ourselves a disclaimer in case they can't.

He received a call from an individual and he may have had a return call while in the meeting today, he is going to have a group of 30 teenagers in the Glenwood Springs area. He thinks he said within the next couple weeks and wanted to know if there was a service project, we could recommend for them. Do I talk to the administration, i.e. whoever and possibly round up some kind of service project. The county could have 30 able-bodied young men and women.

Commissioner Jankovsky is sure there's a project, he just doesn't know what it would be at this time.

Commissioner Samson - Road and Bridge, or somebody?

Commissioner Jankovsky also suggested Human Services.

**a. Commissioner Reports**

**c. Approval of Minutes**

**b. Commissioner Calendars**

Commissioner Samson - We will be attending, I guess it doesn't need to be on our calendar because it's a political event. The two of us will be attending tonight in this room at 7:00 p.m. a date between the two candidates for State Senator. That should be very interesting the candidates are Baumgartner and White. Immediately afterwards Mr. Martin and I will leave for Keystone to the CCI conference for Tuesday and Wednesday. Drew - That is noticed.

Commissioner Samson - The oil and gas forum, as long as I've been associated with it, has always been on the first Thursday of the month. I do not know why but for some reason that was changed just recently to the 6th. I chair that with the director of the COGCC and I've let them know that I would be in Keystone.

Commissioner Jankovsky - I did go on tour with Kirby in the West Divide area on Friday. It was very valuable to me because it just helps me to be able to see things on site as opposed to on a map. We went up and looked at some of the other areas where Kirby's having some odor issues between West Divide and Dry Hollow. I was on a phone conference on the 31st with the American Stewards of Liberty talking about the coordinating process for Sage Grouse. I really feel that is the direction we should go and give that to the BLM. I think it really put the BLM more in the place where they have to look at our plans for Sage Grouse. They have to disprove those plans as opposed to vise versa. We are a cooperating agency and you are then part of the writing up of a plan. I'm going to pursue that more and bring that back to the board. Also, Moffat County was on that phone conference, I think they are going to do the same things. Rio Blanco staff was on that phone call; I'll talk to Shawn Bolton and see if they have any interest. It's not an agency status it is a coordinating process. It's a process that's required. As a cooperating agency, you have a cooperating status. It's a little bit different. I'm going to try to get the correct language for a resolution and present that back to the board. We also had Bob Bud on the line and he has been doing the facilitation for Sage Grouse for both Wyoming and Utah. I'm going to try to set-up a meeting with him with the nine counties that have Sage Grouse in northwestern and north central Colorado. There's a little bit different process it seems in Utah and Wyoming than there is in Colorado. They are more engaged, their maps are being



looked at as opposed to a top down process that seems to be going on in Colorado. I know we have an appraisal back on the Glenwood Springs Chamber Building and I would like to get that in front of us at some point. We've had that appraisal for I believe two or three weeks and I would like to get that in front of us so we can have some direction on that.

Chairman Martin - Understanding that the property underneath it and the park adjoining it belong to the citizens of Garfield County when you're looking at securing that for a government use or some kind of other process.

Commissioner Jankovsky - I think we need to look at that; I think it just cleans up a situation that is kind of muddy right now as far as ownership goes. I'm also over at CCI in the morning. My son is continuing from 8th grade into 9th grade tonight so I will be there tonight. In afternoon on 5<sup>th</sup>, I'm going to a Colorado ski county meeting so I won't be at CCI in the afternoon of the 5<sup>th</sup> or that evening. I will be back to CCI in the morning. I have a Governors dinner in Denver on the 6<sup>th</sup>, which is the Governor and the head of American Petroleum Institute and then back on Thursday.

Chairman Martin - I just want to call everybody's attention that I met with Larry Dragon in reference to the grant that went before the Colorado Great Outdoors on Tuesday the 29th with Larry. He was informed that he received zero dollars in grants from the State of Colorado. He's looking at other options hoping that Garfield County will live up to their word in reference to what we gave them and will be back to update us in his approach. I also went with Mr. Samson to the Sewing Works in Rifle on the 31st on the grand opening ribbon cutting etc. Channel 5 News, the different radio stations and the Rifle Telegram were there. I have a bunch of meetings next week and the following week. Remember that the 11th is in Parachute. Strawberry Days is on the 16th. Mr. Samson and Mr. Jankovsky are you going to join me.

Commissioner Samson and Commissioner Jankovsky will be there.

Chairman Martin - That's over at the courthouse; I cook over at the courthouse on the corner and also if you want to volunteer for ice cream and strawberries at 9th and Grand Avenue as soon as the last float goes by we're serving ice cream. It's hand dipped strawberries and ice cream to assist the Chamber and also the Kiwanis Club.

Commissioner Jankovsky - Do we have a P&Z site visit on the 13th?

Commissioner Samson - 9:00 a.m.; we meet at the Rifle office.

Carey - That's correct we meet at the Rifle office at 9:00 at the airport. You will be provided with a brief introduction to the project there and then the applicant has identified several sites along the pipeline route for viewing.

Chairman Martin - No decisions are to be made; this is information gathering only and it is not a deliberation or formation of an approach.

Commissioner Samson - One more thing; on the 14th of June I will be traveling down to Grand Junction. The board of Associated Governments of Northwest Colorado will be interviewing two individuals for an executive director position. Hopefully, we will interview one at 10:00, 11:00 a.m. and hopefully by 12:30 p.m. they will have a decision and an offer made to whomever. I'm going to ask that possibly to get your permission to use our legal staff to help draw up a contract for that individual based on the contract that we had for the old one with some modification.

Chairman Martin - If that legal person is available.

Drew - Commissioner Samson's request that the Parachute meeting be advertised has been fulfilled. It's a very good-looking ad through your Communications Coordinator Renelle Lott did and will run in both the Rifle paper and the Post Independent and because of the publication schedules; we don't have it in the Echo in Parachute.

Commissioner Samson - No way we can get it in the Echo.

Drew - It comes out after the meeting, we did try. Either at the Parachute meeting or your next meeting here I want to show you the proof of the ad that will be in the air show program that covers all of the remaining, both your remote meetings as well as your town hall joint work session meetings.

Commissioner Samson - One thing we might do is, there is a local radio station in Battlement Mesa if you could maybe call them and give them the information and hopefully they have some PSA's they could broadcast that.

Renelle will do that.

Chairman Martin - My final item, I was asked how do we get onto the library board and what is my term etc. if I should get appointed or elected to the library board. I did find the by-laws, which were done in 2007 and have not been recorded by the clerk and recorder or forwarded to the board. It was extremely hard to find on the computer database at the library but we did. They do have an updated list of members. It is statutory in reference to term limits on positions and it still is appointment by the Board of County Commissioners. We'll need to make sure that everyone is aware of that and those that are interested in getting on the board. The terms that are expiring, the terms that are coming up I believe falls on the library district to advertise, take in applications and make referrals back to this board. And there are some other items in the guidelines or the by-laws that we need to update. I will give you a copy.

Carey - Thank you. I did follow-up on your question and located C.R.S. 24-90-108, which does place responsibility for appointing the trustees under the power of the Board of County Commissioners unless otherwise modified by the by-laws and so with the by-laws in hand if that is not modified then we would move forward with appointments by the board.

Chairman Martin - There's an open ending question that it could be again modified by the library district board but they have not taken any action to do such so it still stands again with the appointment by the approval of this board and the terms under the provisions of that statute. So there would be two terms that they could serve a maximum of eight years.

Commissioner Samson - I'm just wondering, I've seen your term ends '07.

Chairman Martin - The one that expires 2011 is the last one and that's the longest running one. We do have a new list but I didn't put that on top of the page for those that are on the board now and their terms. But, we need to keep up to date on that and have that communication with the library district, which we seemed to kind of fallen off the chart.

Commissioner Samson - So are the people that are serving on the board legal?

Chairman Martin - I do believe so. What the research question will be is seeing the present day list and making sure that in the agenda all positions have been appointed and confirmed by this board since 2011 and forward and make sure that everyone is there.

Carey - I do have one final item of business. Earlier you had tabled Item 3 "a" V consideration and approval of a contract change order for paving in District 1 to United Companies. Thank you very much to Tari Williams and your procurement team they pulled the original contract and they have ascertained that because the cost of the proposed change order is greater than 25% but less than 50% of the original contract amount that it triggers Article 2, Section 2 of the Garfield County Procurement Code. That means that there must be a meeting of the director of finance, procurement and the county manager in order to discuss this change order prior to bringing it before the board. The request would be, at this time that we remove this item from the agenda, we allow the procurement process to follow the procurement code and then once that committee meets they will bring back to you any requested change order and along with a legal analysis of the ability to implement that change we can present at that same time.

Chairman Martin - I want to thank you Tom for finding that. That is a procedural issue that we must follow.

Drew – That would be the county manager, the senior finance administrator and the head of procurement?

Carey – Yes, director of finance, procurement lead and county manager.

Chairman Martin - No road and bridge person?

Carey – No, not according to Section 2.2 of the procurement code.

Commissioner Samson - So do we need a motion?

Carey – No, at this point you don't, you just don't need to take any action on the item as it appeared on the agenda. Instead, it will come back before you when it's been appropriately reviewed.

#### **d. Commissioner Agenda Items**

### **ADJOURNMENT**

**PROCEEDING OF THE BOARD OF COUNTY COMMISSIONERS  
REMOTE MEETING  
244 GRAND VALLEY WAY, PARACHUTE, CO 81635  
MONDAY, JUNE 11, 2012 AT 9:00 A.M.**

#### **ROLL CALL**

#### **PLEDGE OF ALLEGIANCE**

#### **INVOCATION**

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

Marion Wells - Rulison. I wanted to issue a complaint. Thanked the Commissioners for coming to Parachute. At the last EAB meeting your acting County Attorney had attended and the one suggestion given was if you didn't feel you were being heard at the EAB meeting, you could come before the Commissioners and speak for 5 minutes at this hearing. It is interesting that you guys allow 5-minutes. You're extremely generous in terms of what the topic is and the concerns. You have always been very fair to us. You are allowed 3-minutes at EAB, and then you are cut off. I find it very concerning, I feel like I'm being intimidated in my public comments, the comments that I produce are directly related to energy. I'm advising the board about what's going on in my neck of the woods and my property and I'm no longer to do that. We've been cut off in lieu of having a 9-minute fills, having multiple rendezvous reports neither of which have anything to do with the Energy Advisory Board. But they were actually used as fillers. There was an old business item that directly involved me; I was not allowed to respond to it. It's really difficult and

you feel like you're being treated as a second-class citizen. You're lectured on decorum, you're rudely interrupted and you're censored. I don't know why we're allowed a period that by allowing the two people who were there to speak only 5-minutes, who have nothing to do with energy advice being allowed to go on and over. This board has made great changes in recent months. One is that the County Oil and Gas Liaison has taken over that board and controlled that board. There really isn't a true clear knowledge of what's going on with the Resolutions, By-Laws, with standard Preliminary procedures. Example: Improperly they voted who would be the representative for CMC for the EAB. CMC is a separate organization, as an organization, they can determine who their person is. The person they appointed had not gone through the proper channels at CMC to be appointed. So circumventing CMC's purposes and rights and it just doesn't sit well. The main thing is the misreporting of numbers, resolutions and complaints brought by citizens by the liaison. At the Northwest Oil and Gas meeting, he stated that the industry, the business company and the landowner were working on resolutions with voter issues. That's false. What they construe, as resolution is they say, yes Marion reported an odor. They do not correct it, and it goes on day after day, week after week, month after month and now year after year after year. There is no resolution. He also stated that there was no violation in the light operation. The new rules state that lights will be directed downward and inward. No more than 700 feet glaring into any building, 700 feet away from the structure. Well, I'm nearing a mile and a half from the evaporative pond at Anvil Points. I'm above it, I'm well outside the limit and yet I have that glare every single night. While the COGCC says there's no violation that is a blandly false statement. It's just that they don't want to do anything about it and we're left with it. In terms of the reporting and resolution, we've asked for years now for Community Counts for my report. I discovered at the last meeting, that if the complainant responds directly to the prompt to go to a company, it will never be reported to this board what happened. If it is a multiple complaint, they will not report it as a multiple report. So in terms of what you are receiving as a Board, it inadequate and misleading information as to the complaint. The programs that we're having now are lengthy industry and repetitive and the program on Thursday night was about surface information, the young man who did it spend 1 hour 15 minutes talking about all their wonderful things they did. The problem is I sat there as a citizen and realized that none of that stuff is in my neck of the woods; none. He stated they had been doing it since 2006; my pad is a 2008 pad. He talks about a professional look, he talks about camouflage to make it appear less apparent they multiple the water shed, they aren't flooded, they talk about working with us and we'll work with you, that you shouldn't have a muddy pad, that you don't want weeds jumping to an adjacent property owner and all those things that are existing conditions on my pad. The most egregious thing is I continue every year to be flooded out by an adjacent pad. COGCC does nothing, EAP does nothing, CDPHE does nothing and yet I end up with thousands of dollars in damage every single year from a flood that comes from a pad that's not reported, not even acknowledged at times and yet does a \$10,000 damage this year to my road, my spring and to my fields. There is nothing I can absolutely do about it. I do appreciate the fact you all are in Parachute today, I really appreciate that because it was a 20-minute drive and I found a parking place and I love it. The other thing I noticed on your agenda that you are doing an Oxy injection well and that was one of my questions for the members of the board. Injection well conversion, I'm curious about whether it's for production water or gas storage and how many injection wells have been approved in Garfield County.

Chairman Martin – Thank you Marion.

Commissioner Samson – The only question Marion is if I understand you correctly the pad that you talked about, you have talked to the COGCC and Colorado Department of Health and Environment and they have given you no satisfaction at all.

Marion – Right. It's a stormwater section at CDPHE that I speak with because it releases is water, liquid and I've reported it last year, I've yet to report it this year because for 3 straight years I've had no satisfaction.

Commissioner Samson – Do they respond to you?

Marion – No truly.

Chairman Martin – Which company?

Marion – Williams, sorry WPX Energy now.

Commissioner Jankovsky – CDPHE.

Marion – They came the very first time it happened in 2009 and by the reports in the record at the COGCC website, there was a no inspection since.

Commissioner Jankovsky – It was an inspection by the CDPHE, was that upon your request.

Marion – Yes.

Commissioner Jankovsky – And there is a rules and rep on the board, is that correct?

Marion – Correct, Heather Hoffmeister.

Commissioner Jankovsky – So some of your comments you did direct toward her and ask her as well to, just getting back to the.... County Attorney about that but you did direct some of your information earlier to her as well. Is that correct?

Marion – She had it in the past and what has happened is they want more specifics and since it hadn't happened to her she didn't ask for specifics. So, when I discussed it with her she said it's fine with me if you just report it yourself. It used to be information of the board that had citizens come and report for themselves, was far more effective than having the reps do it. So, Heather and I came to that agreement; I will discuss it with Heather before the next meeting in terms of what we discussed here.

Commissioner Jankovsky- I will say that I understand your situation and it is a long distance for a light glare and affect your house.

Marion – It's so egregious and it's a new rule that they were supposed to comply with all they need to do is put sheds on their lamps.

Chairman Martin – That's also a land use in reference to our issue, lights are to be downward. Marion, old business, in reference to our trying to repair and do the road next to your property and take care of the head gate etc. the ditch underneath it has that been accomplished.

Marion – No.

Chairman Martin – Have you had anyone contact you at all since we talked last.

Marion – I had some communication with Cassie Coleman, it was not pleasant. The county wanted to trespass on my property and I said no.

Chairman Martin – Was that just to accomplish the task that we talked about or was it something else they wanted to do.

Marion – I have no idea. They would not tell me exactly what their plans were, I wanted to know the plans, and what is the process. The head gate is not county property, the ditch rights then trespass, trespass...

Chairman Martin – Well, we have to get that accomplished as we agreed to do it, so...

Marion – I would be more than happy knowing what's going to be accomplished and what the plan is and how much land will be taking, because right now it's still a prescriptive easement.

Chairman Martin – We're just trying to address that issue. So, if it hasn't gone forward, we need to put that on the front burner and get it done, construction time is running out. We can bring whomever we need to meet again and make sure that the agreement is in place and it would be a temporary construction easement both sides of your property, identify what needs to be done. That's probably the only thing that would be done. Okay?

Marion – I just wanted advance notice and not someone showing up and not surveying my property.

Commissioner Jankovsky – I believe that OXY injection well would use ditch water.

Marion – That's what they've been saying.

Commissioner Jankovsky – Did we ask the County Attorney if she has comments.

Carey – I guess I would address the confirmed about the 3-minute rule; the EAB has discretion to determine how they are going to run their meeting and as a board, they did vote to implement a 3-minute remit on citizens' comments. That's where the 3-minute rule is coming from. If it is a concern then that is something the EAB would have to take up with the board again, if they were interested in extending that timeframe. I, at the request of this Board, did attend the last EAB meeting to discuss what limit that any can be placed on the content of citizens speech during that 3-minute comment period and advice that it must remain content neutral but if they were concerned about the way that the period was being used, that enforcing that rule would be one tool they can use to do so. It is still within the discretion of their chair and if the board is not able to make in regular meetings.

Commissioner Jankovsky – I believe one issue, I wasn't at the last meeting, one issue there that continued to come up is it is traditional, the question is should that be discussed with the chair and the EAB meeting and they didn't have discussion on that.

Carey – There was some brief discussion on that, the ultimate advice I provided them was it would inappropriate for them to enforce restrictions on what type of speech is prevented at those meetings. So even if they have a matter in a pending litigation if the litigant would like to show up and allow the 3-minutes to discuss that, that is within the purview of the public comment. It would be very difficult to try and impose rules on what they can and cannot say in a public forum, which the EAB is. That is what I essentially communicated with to them at their meeting.

Commissioner Jankovsky – I guess the question to some extent was what their role is when you have something judicial in front of you as far as their comments. Is it just for listening because I don't know? Some of the members of the EAB were wanting to take some sort of action which was a judicial situation.

Carey – That's correct and their role in that situation would be listening and hear public comments but it would not be appropriate for the EAB to get involved in a manner that is in litigation.

Sher Long with EnCana, a board member on Community Counts - I would just like to make a quick comment about the purpose of Community Counts. The purpose of that is to give citizens direct access to get issues resolved in a timely manner. It's not to keep a record of, if you will of whatever operators do. The appropriate thing is coming to you with concerns when she feels her concerns are not being addressed by the operator. I wanted to make that clarification.

Dave DeVanney – A quick word in here while we get... We appreciate your coming down here to have your meeting and I saw you have an agenda item today to consider a contract for that final phase of Library Trail. I just wanted to say for myself and members of the BMSA Parks and Trails Committee and the citizens of Battlement Mesa, we appreciate the County's involvement and financial participation in helping get that trail completed. We look forward to that contract being approved and that final phase finished so we can get our citizens back and forth between Battlement Mesa and Parachute in a safe manner as well as kids riding their bikes down to the library. I appreciate that and while you're in the area if you want to take a look at the trail and see what's in place so far; it is a beautiful trail and we still have a ways to go but it's a big step to physically and symbolically link to the communities of Parachute and Battlement Mesa.

#### **REGULAR WORK SESSION:**

##### **1. Clerk & Recorder Update: Jean Alberico**

###### **a. Public Hearing:**

###### **i. Transfer of a liquor license from 19th Hole Bar & Grill to 35th Ave Café Bar located at 73 Sipprelle Dr #A in Battlement Mesa. Applicant 35th Ave Café Bar Inc with managing members Francisco and Claudia Espinoza**

[Attachment 35th Avenue Liquor License](#)

Jean Alberico, Francisco Espinoza and Carey Cagnon were present.

Jean – The required notice is posting of the property and notice in the newspaper at least 10-days prior to the public hearing. I posted the property on May 31, 2012; I have a photo showing the posting on Sipprelle Drive in front of the establishment and proof of publication from the Rifle Citizen Telegram.

Carey – The posting and proof of publication were submitted, reviewed and Jean stated the applicant would bring the posted notice later this morning. Carey determined the Board could proceed.

Chairman Martin swore in the speakers.

Jean laid the foundation saying before you is Mr. Espinoza, who was before the Board in 2010 when he first obtained the liquor license for the 35<sup>th</sup> Avenue Café Bar and then last year he transferred that license to the 19<sup>th</sup> Hole Bar and Grill. He is back before the Board requesting that be transferred back to the 35<sup>th</sup> Avenue Café Bar. He submitted a complete application, the affidavit of transfer, background checks were done on Francisco and Claudia Espinoza, individual history, closure agreement with CDPHE for the food license and the lease. When they were here before you a couple of years ago, they asked to have the patio dining and question on how they were going to limit access. Jean had photos showing the nice job they did with the wall and nice ironwork. The other thing to the attention of the Board was along with many others in the Parachute area, the 35<sup>th</sup> Avenue Bar was caught in a sting in 2010 and the employee served to a minor. I asked Mr. Espinoza to please make sure he had proof that he and his wife had taken tips training class. We have certificates for both.

Chairman Martin asked Lou is he had concerns since there was a violation.

Lou – I do not have any concerns; everything seems to be in order.

#### *Public testimony*

Dave DeVanney – I would like to say I support this Café Bar and he has done a good job.

Sher Long stated they are glad to have the Espinoza's back and she supports them, they have done a great job.

#### **Motions**

Commissioners Samson – I would move we close the public hearing. Commissioner Jankovsky – Second. Motion carried.

Commissioner Samson – I would move we approve the transfer of the liquor license from 19<sup>th</sup> Hole Bar and Grill to 35<sup>th</sup> Avenue Café Bar Inc located at 73 Sippelle Dr #A in Battlement Mesa and allow the Chair to sign.

Commissioner Jankovsky – Second. I would like to thank the Espinoza's for the business in Battlement Mesa and appreciate the investment. In favor: Jankovsky – aye Martin – aye Samson - aye

## **2. Consent Agenda:**

- a. Approve Bills
- b. Wire Transfers
- c. Changes to Prior Warrant List
- d. Authorize the Chairman to sign a Resolution of Approval for a Limited Impact Review for a Material Handling Facility for the Conversion of a Natural Gas Well to an Injection Well, also known as Cascade Creek 604-1 SWD, located approximately 14 miles north of the Town of DeBeque, off County Road 213. The Applicant is OXY USA WTP LP - Glenn Hartmann

### [Attachment OXYUSAWTLP CascadeCreek Resolution](#)

- e. Authorize the Chairman to sign a Resolution of Approval and a Land Use Change Permit for a Limited Impact Review for a Communication Facility - Telecommunication Tower, also known as the High Mesa PN-30 Communication Tower, located off County Road 300, approximately 4 miles south of the Town of Parachute. The Applicant is Daybreak Realty LLC and the operator is EnCana Oil and Gas (USA) Inc. - Glenn Hartmann

### [Attachment DaybreakEncana HighMesaTower resolution permit](#)

- f. Authorize the Chair to sign the Acknowledgement of the Final Release Satisfaction Subdivision Improvements Agreement for the Old Orchard Subdivision. The property is located north of SH 6 and east of the Town New Castle and the Applicants are Anthony Roc and Mary Ann Gabossi - Molly Orkild-Larson

### [Attachment Old Orchard Subdivision Final Release](#)

- g. Authorize Chair to sign Resolution Adopting Joint Policy Regarding Executive Session Records Retention - Carey Gagnon

### [Attachment Resolution Executive Session Records Retention Policy 5.31.12](#)

Chairman Martin determined with Jean that all items were present on the consent agenda. Do I have a motion to approve the Consent Agenda?

Commissioner Samson – So moved. Commissioner Jankovsky – Second.

In favor: Jankovsky – aye Martin – aye Samson - aye

## **3. County Manager Update : Andrew Gorgey**

### **a. Public Meetings:**

- i. Veteran's Office Update - Joe Carpenter  
Joe Carpenter gave his report highlighting that 3,846 veterans live in Garfield County and In Pitkin 1,078 – Joe handles both counties. Pitkin County puts in \$4500 for his office. He shared information supplied by the Colorado Division of Veterans Affairs at the annual training conference in Denver. He referenced the Vets Home in Rifle at 50% full. This Vets Home has their own process by the State of Colorado. The Vet-Trans Program volunteers our non-profit operation and we provide rides to Veterans who cannot get the hospital in Grand Junction and some in Glenwood Springs for medical treatment. We service Glenwood, Carbondale, Rifle and Parachute. Our office about 700 contacts a year and includes folks that we put in for compensation; it's a lengthy paperwork process.

Most of the veterans we serve were exposed to Agent Orange in the Vietnam War. When you get to age 60 that is when we start seeing this chemical causing physical problems.

Drew – The local access television for veterans, the office is located at 216 W. 3<sup>rd</sup> in Rifle, the phone number is 625-9484. Folks are there 40 hours a week from 8 a.m. to 5 p.m.

ii. **GOCO Grant for new Parachute/Battlement Mesa Community Park - Gyles Mornley**

Attachment GOCO Grant

Gyles Mornley, Mary Anderson, Jerry Mornley, Community Grounds President and Keith Lammy from the Battlement Mesa Association submitted a colorful group of schematic design imagery for the Parachute/Battlement Mesa Community Park located below the Grand Valley Middle School and adjacent to the Grand River Hospital District's new site. This project began in 2011 as a grassroots effort. The park is in the Battlement Mesa Service Association master plan. We partnered with the Battlement Mesa Service Association, Common Grounds Battlement Mesa Metro District, Garfield County School District, EnCana has helped with community efforts and Antero has offered to help do some of the dirt work. There are three different designs, we had three public meetings in March and people gave feedback. This park will be built in stages and we are going for a GoCo grant in 2012 due around July 15. We have a preliminary estimate for part of the foundation work to be around \$1.5 million. We are going for \$350,000 and the first thing we will do is the dirt and rocks. We are here to ask for a letter of support from the County Commissioners.

Keith Lammy – We do have some seed money that originated from contributions or deal between Antero and the Parks and Receptions Department. In addition, the Battlement Mesa Services Association has committed \$125,000 when we get money from Antero under a separate agreement. In addition to that, in order to fund the design work that Connect One has done for us we had a fundraising golf tournament last October and raised approximately \$10,000. This paid for a large part of the design work. We plan to have additional fundraisers; we have another golf tournament scheduled for September 27. We did get a lot of support from Battlement Mesa Company who contributed the golf course. As Mary indicated this is a community wide very supported effort. Commissioner Samson – We support this and it will be a nice for a park in Battlement Mesa. I fully support this and it is great that so many interests have come together. I talked to many people in Battlement Mesa/Parachute who are very excited about this project.

Mary – We have another grassroots effort. One of the mothers wrote a two-page letter about how nice it would be to have a park on Battlement Mesa versus going down to Parachute down by the river in the creek. We have received a lot of support signatures on that letter. She did that on her own. People with young children are just as interested and this is something positive. We have a letter from the Town of Parachute and we would like to have a letter of support from this Board.

Chairman Martin – I think a letter signed by all three Commissioners would be nice.

Commissioner Jankovsky – Everything in the packet you gave us are those going to be in the park. There is a number of open space in Battlement Mesa; this would be the first park.

Keith Lammy – We have not absolutely determined who will operate this. We are looking for County assistance for maintenance.

Sher Long – I would like to point out the opportunities for in-kind work by the operators.

**Motion**

Commissioner Samson – I would like to direct County staff to draft a letter for the Parachute/Battlement Mesa Community Park and all three Commissioners sign it. Commissioner Jankovsky – Second.

Chairman Martin – Mary will you work with our staff to make sure we cover all these things needed in your letter.

In favor: Jankovsky aye Martin – aye Samson – aye

iii. **Consideration and approval of a Contract Change Order for Paving in District One to United Companies - Deb Fiscus**

*Drew* – Road Supervisor Deb Fiscus and it is carried over from the June 4, 2012 agenda.

Deb - We're here *Deb* h to reconsider the possibility of approving a contract for United Companies for leveling the roads we have scheduled for chip seal. It was \$511,035.00.



The contract with United Companies was doe \$1,110,385.00; and with the addition of this change order submitted last meeting would bring the total award to \$1,621,420.00. Deb said it would be better not to re-bid because the original was for District 1 roads. This includes a leveling course for county roads.

*Commissioner Jankovsky* – I would like to hear from legal on this. I'm the one who brought this up and I just feel when we bid for items that \$25,000 to \$50,000 and then we get a change order for \$511,000; I want to know if this is legal and the second thing I would like to go back to Road and Bridge and say is a big surprise and I have concerns.

*Carey* – When this came before you last week we requested some additional time for the procurement process to be complied with before bringing it back to you. That process has now been provided and it came back to legal for some review. I can provide some preliminary comments however, if you are interested in a detailed analysis it was too short of a turnaround for me to provide that today.

What Deb Fiscus has said is correct that because of the manner in which the scope of services was drafted because of the language in the ultimate language in the contract; it was awarded on a district basis and not for specific roads. So if you were to change the scope of the project within the district, it would be appropriate to keep it with the current contractor rather than putting it back out for bid. The path of least legal risk is to maintain the status quo, which is to not award the change order and continue with the completion of the roads as presently contemplated but I would like the County Manager to speak to the business rationale.

*Deb Fiscus* – Agreed with Carey's remarks.

*Drew* – The County Manager's involvement first is incompliance you're your Procurement Code which says, if a change to an existing contract falls between 25% to 50% of the original contract amount then we're required to have a meeting with head of finance, head of procurement, county manager that means it did take place last Friday and we included your road supervisor. One thing discussed was, first, I completely appreciate your point that we don't want any surprises of any kind, much less big surprises at any time. I would like to offer some word on that. In my opinion, this is an intersection of multiple of Board of County Commissioners priorities. Earlier this year you were informed that the balance in the Road and Bridge fund was higher than originally reported. You immediately acted by expanding the scope of road projects for the year. That was worked out in excellent collaboration between engineering, road and bridge, finance, procurement, county administration and county attorney's office. The result of that was a list and every time we talked about this the emphasis was not to spend money just to spend it, the emphasis was also to prioritize and make sure we had a quality work product. If that mean fewer were spend but higher quality so be it. Ideally, you are getting the best quality and best amount for the season for the benefit of the citizens. When the road subject of this contract was first looked at the road and bridge department did what it also did, they went out and gave their best effort. The best overall was to attempt to patch the road, not to do an overlay as is proposed here, but to patch it. I think that was a good faith read. It turned out to be incorrect and that is the origin of the need for the change. I am confident in going forward there will be a lot more thorough before putting the scope of work details together. Whether or not we want to revisit, as an engineering standard, always have a 1" leveling course. This would create less frequent road maintenance. Then the business decision is as if you were to grant the change order, the price for this section of road is effectively \$1.5 million. The useful life of the road without the change order is approximately three to four years. With this change order, the useful life of the road is roughly doubled that if not longer. As a business, decision if you chose to take the path of lowest legal risk you will be revisiting this road in approximately three to four years. I believe the county attorney's office gave us a preliminary opinion, I'm not trying to commit them to this as their final opinion but the preliminary opinion is that because of the way, the paving contracts were bid by district and this does fall within in the original scope this would be a lawful change order. If you agree, first of all if that's your alternate opinion and if you agree with it, then as a sound business decision is to grant the change order for \$.5 million more double the useful life of the road. Let me tell you that I've been in contact with one of the bidders on the paving contracts for the season; there is disagreement in our interpretation. You may well hear it from that person this morning during citizen comment. There may be others who want to comment. The change order will provide a method needed and not letting tax revenue sit underutilized in funds but deploying that revenue for the good of the public. We are trying to spend the money responsibility, trying to have a sound, reliable and defensible procurement process, trying to be fair to all bidders in this round and going forward and these are all of the policy considerations that intersect on this issue. My job as your manager is to make sure our scope of services going forward is a lot more accurate and if we are going to commit to a different and higher standard in our roads generally that we make that known from the outset. I'm aware of those things and I appreciate the opportunity to comment.

*Commissioner Jankovsky* – First, this is change in our standard operation procedures so it means that all roads have been paved prior below what they should be. The second thing is I'm very happy and thankful for District 1

for the job with United Companies for the paving in front of my house and the whole Westbank area, they did an excellent job. But I will say that all of those working for that company come from Grand Junction and commute back and forth and although that money stays regionally it does not necessarily stay in our County. At this dollar amount there may have been a change in the bid in the 5% we give to our local companies may have made a difference. I have concerns about doing this.

Commissioner Samson – Well, I was wondering is Commissioner Jankovsky has a solution.

Commissioner Jankovsky – My solution would be to stay with the original bid and do the work as was bid and not to have a change order.

Chairman Martin – I do have a question in reference to both the time and procurement process if this was to be rebid with this scope of services, which is the 1" leveler and then the chip and seal and everything else. How long would that take for a new contract? That is for my information, the timeline.

Jamaica – We would for a bid, publish for a minimum of 14-days. The turnaround time would be 30-days by the time we get the scope together solicit it and get back to the Board of County Commissioners.

Commissioner Jankovsky – My question back to legal, can we do that because now you're potentially pulling the contract from one company that has a million dollar contract.

Carey – That is a significant in taking that out.

Drew – Commissioners, as a policy matter I would advise against that and the structure deferred on this to Jamaica on this, the way it was structured it by Districts. If you are the winning bidder for that the district, if this were some lesser change it would not be an issue. We thought it was this, it's more, we change and move on at a certain level that's a staff decision. The amount of this change that the committee meets and it's before you. Whatever the will of the Board is but as a policy matter, the procurement process by district is closed and I think bringing the entire district bid back into play for this one thing puts you directly at odds with your original policy statement of trying to deploy this capital into our community for these roads.

Jamaica – We did follow the Code, rebid it, it was by district. The 5% was taken into the fact when we awarded it. United did not get the 5% in that district. District 2 and 3 were awarded to a local business. The change order was in the code.

Chairman Martin – Gregg do you want to come and say anything. The nice thing about Garfield County is know everybody.

Greg Rippy – Grand River Construction, I may be the person that the County Manager spoke to and we may have had some disagreement. I didn't think it was a disagreement at the time but now I'm starting to believe it maybe. First, I have to say that I think the leveling portion of the chip seal project would be appropriate and good as best practices to maximize your dollars in the county roads. I'm not here to tell or ask you what to do to enact this change order or not. But as District 1 bid, there were a number of different roads on it. At District 1 bid for chip seal there were a number of county roads, so if you were to accept this change order for the chip seal portion it would significantly more than 50% increase to that one. When the County Manager was giving comment it bid as a District, both roads were not bid as part of this. You can easily say that this is a separate project because it's different roads. Now if you were to take this CMC road, say you wanted to extend it and it was on the same road, I could agree that is was part of the same project. The troubles pardon me is if you look at the bid, it is 50% bigger. Having really protected the sanctity of bid process because it is significantly bigger and the economy may change. I may appear as a whining losing contractor but that's not my intent here today. My intent is to support you in using best practices and improving the county roads but also to say there is something that went wrong in the bid process. Unforeseen I think it was best efforts, I don't feel it was intentional, I think the road and bridge department is doing the best they can on it. The troubling part is when you look at unit prices that are on the change order. When you look at the unit prices versus the original bid prices from what was published last week that I saw is significant increase in the bid price also. I realize these are different roads that are further upvalley than the ones bid on 3-Mile, CMC and Westbank. I don't know that in my experience for the most part when you have a change order and the increase in bid quantity at least the unit price are pretty close. If you look at this one, the unit prices, if I'm correct Deb are approximately 30% higher than the original unit price. Now if you gone from some overlay to some leveling, all those have leveling on it and it wasn't a split between pricing for the leveling portion and the cost of the overlay portions. That may be really what they had in there pretty close to leveling portion, but we don't know because it was under the bid unit that was called asphalt, it wasn't broken into leveling for overlay. It's not my intent to sit here and ask for or tell you gentlemen what you should do, worst-case scenario I think you all have some lessons learned here but I don't think that is the sanctity of the low bid process was done justice.

#### **Discussion on the Change Order**

Chairman Martin – Back to us, there is a request to do a change order for \$511,035.00, the original bid and

discussion is in order. The quality of a 1" leveling is much better than just the chip seal. Well, I don't think we can argue that but what we're struggling with is the process itself.

*Commissioner Samson* – It looks like government is missing endeavors at times when things go wrong, to go oh well. I just want to say that I have faith in our road and bridge and I think they are doing a good job, this didn't go right, and sometimes that happens. It's no reflection on them; I don't want anybody to go out of here feeling that way. I think I tend to agree with Commissioner Jankovsky there.

#### **Motion**

Commissioner Jankovsky - I will make a motion then to deny the request for a change order for paving in District 1 for paving of the 1" overlay.

Commissioner Samson – Second.

#### **Discussion**

Chairman Martin –As we have had testimony that we may consider in the future was more than we expected. I do think we do need to look at a new standard and actually have within our process do a 1" overlay is better but that is for a future discussion. The life expectancy is greater. I stand with the error. Call for the question.

Commissioner Samson – I going to say I couldn't because we're improving roads and doing things better, obviously that will cost more but in the long run it won't if it going to more than double the life of the road.

Might as well spend money well spent for the purpose of having things last twice as long. It's a good argument I think, I see that. I think that is something we definitely need to look into in the future. I want to reiterate I don't think anyone up here is trying to point fingers and say it is one of things we learned and we're not perfect, you're not perfect and will go from here and try and do better.

Chairman Martin – That's what Drew is looking for is new ideas to go forward.

In favor: Jankovsky – aye Martin – aye Samson – aye

Chairman Martin – We will stay with the original bid and not allow that big change order.

#### **iv. Approval of an authorization for the Chair to sign a services agreement with ECONorthwest for Hazard Mitigation Plan for additional municipalities and fire district—Gene Duran and Tamra Allen**

##### [Attachment EcoNorthwest](#)

Tamra Allen and Gene Duran presented. Before the Board is essentially a ministerial act in that Tamra Allen came before the Board on May 14 and I believe it was at the request of Commissioner Samson to add Parachute, Carbondale and the Carbondale Rural Fire Protection District to the Hazard Mitigation Plan. That would cost an additional \$20,000. The budget supplement came before the Board on May 21, which was approved by the Board. This is the final step in is the contract with ECONorthwest to add the municipalities, fire district to the Hazard Mitigation Plan.

Commissioner Samson – No questions but thanks to Gene and Tamra for this, it's awesome. At the mayors forum we told them it was worth it and they needed to be partners with us.

Chairman Martin – Do I hear a motion then?

Commissioner Samson – I so move. Commissioner Jankovsky – Second. I just want to commend Commissioner Samson for this because it will be a benefit to these three entities to be part of this. We will benefit much more than \$20,000.

#### **v. Recommendation to award a contract to Clarke & Co., Inc. for the construction of Phase III of the Library Trail - Jeff Nelson and Jamaica Watts**

Drew announced the agenda item.

Jeff Nelson and Jamaica Watts presented.

Jamaica – Today before you is a recommendation to award the contract to Clarke & Company, Inc to complete Phase III of the Library Trail. The bid opening was June 5 at that time we received four companies, reviewed them for compliance. Clark & Company was found to be the lowest responsive bidder. This is to approve or disapprove a contract to Clark & Company Inc in an amount not to exceed \$63,805.00 to complete Phase III of the Battlement Mesa Trail.

Commissioner Samson – Just looking at the bids, wow. I'm looking at this and going that looks reasonable.

Jeff Nelson – I think the companies are endeavoring in the process of civilian projects.

Commissioner Jankovsky – Will the final phase be completed this construction season?

Jeff – Yes sir. This is the final phase of the County's phasing for the Library trail at this location to the cross Battlement Parkway. In this phase it will cross Battlement Mesa Parkway, we have to cut curb and gutter to cross the divider.

Commissioner Samson – This was started 4 years ago and it's going to be great to have it done.

Chairman Martin – Jeff and I have been working on this a little longer, how long Jeff, 10 years.

Jeff – Yes, about 8 or 9 years.

Chairman Martin – We paved the way for that particular issue.

Commissioner Samson – I'm not going to let you take all the credit.

Chairman Martin – No, I'm just glad you got it completed.

**Motion**

Commissioner Samson – With that I would move that we approve the award and contract to Clarke &

Company Incorporated in an amount not to exceed \$63,805 to complete the concrete in Phase III Battlement Mesa Library Trail and authorize the chair to sign. Commissioner Jankovsky – Second.

In favor: Jankovsky – aye Martin – aye Samson - aye

vi. **To consider a Letter of Support to the Bureau of Land Management for the Sutey Ranch Land Exchange - Fred Jarman**

[Attachment Draft Letter Sutey Ranch Exchange](#)

Drew – Next is Fred Jarman to consider a letter of support.

Chairman Martin – It's a non-controversial item if you live in Garfield County.

Fred Jarman – What I was asked to do was to work with Commissioner Jankovsky over the last week put pen to paper and bring to you a revised letter that is in your packet-marked *draft* to Mr. Steve Bennett of the US Bureau of Land Management. This letter in large part was in 2009 sent to your Congressional delegation; we added in some areas that we believe are germane to the current scenario and to answer your question on that letter. Since 2009, there have been a number of letters on this issue.

Commissioner Jankovsky made some edits for Fred.

Commissioner Samson had no problem with these edits.

Fred agreed to do the changes and bring it to the Board at the work session on Tuesday, June 12.

**Motion**

Commissioner Jankovsky – With that I'd make a motion that we accept the letter of support for the Sutey Ranch Bureau of Land Management land exchange as presented with the changes that were made and ask all three Commissioners to sign.

Commissioner Samson – I will second the motion.

Chairman Martin – I did have a chance to go ahead and look at the backside of this particular property which is actually on the base of Mount Sopris but there is an agreement with the subdivision that is there that the land is not to be developed, etc and maintained and part of the agreement that was entered into with the land exchange. The private property owners as well. So I wanted to advise you.

Commissioner Jankovsky – I talked to a private landowner adjacent to the Sutey Ranch and he was very much in favor of this land use exchange.

In favor: Jankovsky – aye Martin – aye Samson - aye

vii. **To consider a Letter Requesting the Bureau of Land Management to work with Garfield County in the Coordinating Process regarding the preparation of and participation in the Environmental Impact Statement (EIS) for the Greater Sage Grouse - Commissioner Tom Jankovsky**

Drew announced the next item.

Commissioner Jankovsky – I've been working with the Americans Stewarts of Liberty on this and they helped

draft this resolution; it is a very thorough document that I will state there is a type on the heading regarding Garfield County misspelled, I would like to request that we approve this, it is a change and with that I think there needs to be a letter to go with this. I have a copy of an outline for a letter to go with this as well. One thing I would like to do is when we sent our original letter to the BLM and said we would like to be a cooperative agency as well as go through the coordinating process, I think we need to in our letter we sent to BLM we need to state we no longer want to be a cooperating agency just go through the coordinating process. Chairman Martin – We could say we appreciate being a cooperating agency, however we wish to elevate ourselves to a elevate to the coordinating process.

Commissioner Jankovsky – Say, I hear and think to go through the quarterly supporting process, the process is already there it in place as a proformas and we just want to go through that process. The reason is that by going through the coordinating process we will create our own plan, which we do have a Sage Grouse Plan, it's the Parachute/Piceance/Roan Sage Grouse Plan and we want to get that plan which is a good plan incorporated into BLM EIS. I think this is the way to do that. It brings that plan to the forefront and requests that by going through the BLM that plan, which is a good plan and incorporate it into the BLM EIS. I think this is the way to do that, it brings that plan to the forefront and by going through the coordinating process we request the BLM then look at our plan which is a plan that was put together with the BLM, with private landowners, with Garfield County, with Rio Blanco County and with that time the Colorado Department of Wildlife and US Fish and Wildlife Service. The only thing, I do have a preliminary letter as well to send, which I think I can work with Fred on any bring it back in front of the Board where we state we no longer wish to be a cooperating agency. The thing is we never signed a MOU, which you normally do as a cooperating agency. Normally you sign an MOU with BLM and we never did that. All we did was send out a letter, which we approved. It was probably a couple of months ago. One thing we need to do is put in a couple of dates in there that we would like to work with the BLM and have them get back to us and let us know if they will work with us on these dates. This is a different direction for Garfield County to go through the coordinating process but I think this gives us more leverage for the existing Sage Grouse Plan we have and our ultimate goal is that we do not want the Sage Grouse to be listed and effectively we want to have consideration of our existing plan. The only other thing is that we may want to put more meaning to our existing plan and formally adopt that and maybe have it become more of a voluntary plan and up to the Board to discuss and see if that's the direction we want to go.

Chairman Martin – I believe it has been approved by the State of Colorado Division of Wildlife and Natural Resources etc as they were signatures to it, adopted and recommended it to the Wildlife Commission to manage that Sage Grouse in that manner. I think it was accepted by the Wildlife Commission.

Drew – A question, given that we are going to draft a letter that goes with this, the resolution in your packet not in your standard format so that will take some time. Is the letter something we can draft this week, you have a board meeting next Monday, June 18, would you like to see the letter and resolution at the same time.

Commissioner Jankovsky – Yes, see them both at the same time. I would also like to know this resolution is not specific to Sage Grouse, this resolution is a general resolution whenever we have plans that are already in place for Garfield County we would like to start going through the coordinating process as opposed to being cooperating agency. It gives more humph when we are dealing with the federal government. The other thing is that going forward we may also want to add a letter to Colorado Department of Parks and Wildlife stating we want to go through the coordinating process with them and evidently maybe US Fish and Wildlife. This is a big deal; Sage Grouse is a big deal. I talked with my uncle yesterday who lives in Northern Montana and he's talked about how the timber industry has been totally shut down because of a number of different issues and there is 18% and hasn't changed. I think potentially Sage Grouse could shut down oil and gas on public and private lands if we aren't proactive on this.

Chairman Martin – Not just the energy development but even some recreationally activities.

Commissioner Jankovsky - Especially grazing as well.

Chairman Martin – Many uses on public lands would...

Commissioner Jankovsky – EAA access to public lands as well as oil shale, any number of things, mining.

Chairman Martin – That brings up an interesting point in the 9<sup>th</sup> Circuit of Appeals in San Francisco the Endangered Species Act trumps anything from 1872 Mining Law, which is a ruling that it accessed to all public lands, etc if you have an endangered species and the habitat is listed. At that point, all activities end, it is considered a protected and almost a wilderness area.

Fred – I would like to underscore points that Commissioner Jankovsky said about the

Parachute/Piceance/Roan Sage Grouse plan, which is a plan that former Commissioner McCown sat on that

group for a number of years as did the Commissioners and staff from Rio Blanco County and probably a handful of federal, state agencies and a variety of private property landowners both from the extraction perspective and also recreation users too. I can tell you that plan while it was adopted in 2008 is very actively implemented and monitored right now, so it's not just a plan that is on the shelf, it is very much active plan, which underscores the value of using a locally focused perspective on Grouse rather than perhaps the federal nationwide top down.

Chairman Martin – Again, a lot of habitat has been reclaimed and the protection established on the public as well as private lands using that plan and we've seen that happen. The working relationships been proven.

#### **Direction**

Do we have a motion?

Commissioner Jankovsky – I think the direction is that we will come back next week with this Resolution in a format that is the Garfield County format and Fred and I will work on getting the letter out as well and maybe we can talk to all three Commissioners and pull some dates when we work where we could set BOCC meetings or set a special work session. The first time might be better for a special work session on this issue. This could be ½ day the first session.

Drew – You want to direct staff to put this on next week's agenda to include the letter and we will have that done.

Chairman Martin – Is that your request?

Commissioner Jankovsky – Yes.

#### **viii. Discussion on a letter of support for the 2nd oil shale RD&D EA comments in support of American Soda and Exxon Mobil**

##### **Commissioner Tom Jankovsky**

##### **[Attachment OilShale](#)**

Drew – For the second oil shale, RD&D EA comments in support of American Soda and Exxon Mobile Exploration RD&D Lease

Commissioner Jankovsky – I think it's been our on-going on oil shale policy to ask for oil shale development that is orderly but steady and then it moves slowly towards oil shale development and it will show and then be something that will support economic development future as well as energy for our nation. There are as mentioned in here, there are bigger holdings in oil shale reserves than there are thirty eight times what there is in oil reserves in the United States. Obviously, to date there has not been successful commercial use a number of attempts of that. So I think the RD&D gets us to the point where a number of companies and this will make eight with subsidies are going out and doing research for oil shale development. This will give us an idea of how much water needs to be in are, what the environmental impacts are, I think this is the way to do that and we need to support these RD&D leases. The only typo on the 4<sup>th</sup> line, 2<sup>nd</sup> page and that should be "it says form and it should be from."

##### **Motion**

Commissioner Jankovsky - Other than that, I would like to make motion that we approve this letter with that change and ask all the

Commissioner Samson – I will second the motion.

##### **Discussion**

Drew – There are two other typos I think. For the record, I believe on page 1, the final paragraph, 2<sup>nd</sup> sentence reads "some of the the issued and comments." Then at the top of the next page, I think there is subject verb agreement problem here in the second line depletions to the upper Colorado River system and therefore will adversely at that – affects".

Commissioner Jankovsky – So if we could approve this letter with those three typos changes, I would include those in my motion.

Chairman Martin – Commissioner Samson accepts those in his second. Motion moved and seconded.

In favor: Jankovsky – aye Martin – aye Samson - aye

#### **Posted Notice on the 35<sup>th</sup> Avenue Bar and Grill**

Carey – Before we proceed to my update, I would like to know for the record regarding the public hearing this morning on the transfer 19<sup>th</sup> Hole and Bar and Grill to 35<sup>th</sup> Avenue Bar there was a question the public was still up and I can know submit for the record that the notice so it is back in our hands.

#### **4 a. Direction to legal staff regarding Garfield County Human Services Contract with Childhelp, Inc.**

**Posted Notice on the 35<sup>th</sup> Avenue Bar and Grill**

Carey – Before we proceed to my update, I would like to know for the record regarding the public hearing this morning on the transfer of liquor license from 19<sup>th</sup> Hole and Bar and Grill to 35<sup>th</sup> Avenue Bar there was a question the public was still up and I can know submit for the record that the applicant has brought the notice so it is back in our hands. Staff working to get these – in Arizona – national organization – unsuccessful – I breach of agreement – expired under the lease – not part of the county.

**b. Direction to legal staff regarding Lease Agreement with Childhelp, Inc.**

[Attachment ChildHelp 2012 Lease complete](#)

Carey – The two items under my update today are regarding contracts that the County holds with ChildHelp, Inc. As you see in your packet, you have the draft 2012 Human Services contract with ChildHelp Inc and the draft lease agreement with ChildHelp Inc. These are unexecuted, the background to this is your staff has been working diligently to attempt to get these executed by the Director of ChildHelp who are located in Arizona but due to I believe some financial and organization difficulties of the National Organization is dealing with we have been unsuccessful to date in accomplishing that. As a result they are in breach of their agreement for failure to pay rent required under the lease and therefore, they have been on the County's part been provided fees for the 3<sup>rd</sup> agreement. The first question that I would like direction on today is whether you would like the county attorney's office to continue pursuing signatures on both of these agreements. So the Garfield County Human Services contracts has these for 2012 and the accompanying lease agreement between the Board and ChildHelp Inc. are delinquent.

Chairman Martin – Okay at that time I'll look at the three potential witnesses out there, Lou and you guys have comments or recommendations to this Board that you would like to have on public record.

Lou Vallario – I wear numerous hats. I don't want to go through the entire history but as the county attorney said, ChildHelp the franchise national organization is experiencing some financial difficulties which closed down one of their major centers, there's communications, issues about payroll etc so the local board, if you will, that runs as known as the River Bridge Center, ChildHelp being the franchise name. So the River Bridge Center took upon ourselves seeing sort of this downhill spiral of the national branch to create a Colorado Non-profit Organization, it will be accomplished shortly, and the board is moving in the direction of our wishes to separate from the national franchise and maintain our status in our facility and our program that will go on. We've taken steps to make that process happen. There are various things going on in unison including the steps for the final 5013C for tax purposes etc. The recommendation from the current Board of Director of local River Bridge Centers is to request that you not pursue a lease agreement or any further business arrangement or any with ChildHelp, instead reorganize, and create a services agreement with the local River Bridge Organization.

Mary Baydarian – I sit on the executive committee and Lou covered the request. We will have additional discussions with the Board of County Commissioners.

Chairman Martin – We understand and you are assisting in this event and we'll continue to do so and offer our assistance and not have a lack of participation. Everything will be the same on this organization.

Mary – There are additions that may come up as we go along.

Chairman Martin – Are they insurmountable?

Mary – I don't believe so.

Commissioner Jankovsky – I'd like to ask our county attorney I can include both in one motion.

Carey – I believe that you can deal with not putting these together as one. We will talk about what follows if you decide not to consider this.

**Motion**

Commissioner Jankovsky – I'll make a motion that we not sign or pursue our contract between Garfield County Human Services and ChildHelp Inc. and we also not pursue our lease agreement with ChildHelp Inc and that we work with ChildHelp River Bridge that we change our direction and work with ChildHelp River Bridge Center, which is a local organization.

Lou – I'd like to clarify that Commissioner, it is no longer a ChildHelp Center it is just River Bridge Regional Center Inc.

Commissioner Jankovsky – I would include that in my motion.

Commissioner Samson – Second.

Chairman Martin – Again these contracts and lease agreement were due signature January 1, 2012. This is a foundation issue.

In favor: Jankovsky – aye Martin – aye Samson - aye

Chairman Martin – Counselor are there any other issues to do since we have no longer decided to pursue these leases and agreements.

Carey – Now we have to deal with the existing 2011 signed agreements and the repercussion for the process for terminating the agreements. Both of them I have provided within a termination with cause or termination without cause option. If you wanted to pursue termination without cause, it would require a 90-day notice period to ChildHelp Inc in order to affect that form of termination. However, I do believe that we have sufficient integration and evidence that are in breach of the agreement specifically because they have failed to pay rent and payroll any period for 2012. I do believe we can proceed with a termination with cause, which would come a 30-day notice period to ChildHelp. I would request direction to proceed with a formal process necessary in order to terminate the lease and to terminate services agreement with the finding there are in breach of their agreement.

### **Motion**

Commissioner Jankovsky – I will make a motion that we terminate our 2011 lease with ChildHelp Inc for cause for failure to pay rent and also failure to sign the 2012 lease. I don't know if the Chair has to sign that or ask legal to work on that and allow the Chair to sign and bring back to us.

Commissioner Samson – Second.

Chairman Martin – The motion is to go ahead and allow the Chair to sign this and if there are any changes, you can come back to the Board.

Carey – I believe there is an issue in expediting this process because we are currently in breach and because we have this parallel process already in motion to form a local organization, I don't think the delay serves any benefit. So, if is acceptable, I would have to come back for the Chair's signature rather than waiting another week.

Chairman Martin – Is that acceptable to you gentlemen?

Commissioner Jankovsky and Commissioner Samson – Yes.

In favor: Jankovsky – aye Martin – aye Samson - aye

Lou – I would just like to comment, thank you Commissioners and County Attorney to continue River Bridge and help the children. I want you to know I will personally guarantee you that we will continue this program as long as we can.

Drew – Commissioners, as far as your County assets, Sheriff Vallario and the folks at ChildHelp did provide you a list of assets, equipment, this is various furniture etc. As far as I can tell, I don't see where any of this is County property beyond the building itself and carpets and fixtures are attached to the building. There is interviewing equipment, there's a list here and my understanding is this simple be transferred from the existing owner which is



ChildHelp to the new River Bridge Center Inc so that would be an issue for them to work out, but to help them do that if they know you have your support, it would be helpful.

Commissioner Jankovsky – You have our full support.

Lou – There have been bumps in the road in any transition but this business has been operating for four years, it's a wonderful facility, it's unfortunately the facility have an out but we are glad to do and now we have support from Garfield County regionally from Pitkin and Rio Blanco. It is a nice facility and I think they are very supportive in moving forward.

## **5. Executive Session**

- a. Upon the affirmative vote of two-thirds of the Commissioners, the Board will adjourn to executive session pursuant to C.R.S. §§ 24-6-402(4)(a) and (b) to confer with its attorneys for the purpose of receiving legal advice on a specific legal question regarding real property and instructions concerning negotiations regarding real property of one transaction.

Carey – You have a request for executive session for the purpose of receiving legal advice on a specific legal question regarding real property and instruction for negotiation concerning that same real property, construction specific for negotiators. It only involves one property transaction.

### **Motion**

Chairman Martin – Do I have a motion?

Commissioner Samson – So moved. Commissioner Jankovsky - Second.

Chairman Martin – We have one item for executive session, no decision will be made and if there is it will be made in a public session.

In favor: Jankovsky – aye Martin – aye Samson - aye

Chairman Martin – Do I have a motion to come out of executive session.

Commissioner Samson – So move. Commissioner Jankovsky – Second.

In favor: Jankovsky – aye Martin – aye Samson – aye

Chairman Martin – No decision made only direction to staff.

### **County Manager – Garfield County and US Forest Service**

Drew Gorgey – There have been on-going discussions between the County and the US Forest Service's regarding the Travel Management Plan and their corrections. Most of this has come from the county attorney's side; building and planning has been represented by Tamra Allen. We made a substantial amount of progress in terms of obtaining concessions from them in the form of errata and other changes. We made certain assertions, which by and large they have adopted and we haven't resolved all issues but we have made progress. There is a question that requires direction to staff concerning East Elk Creek CR 241. There are two options for you about how to characterize the use of that road. The first is to open it to motorized licensed vehicles. This option would make the designation consistent with the county road that requires licensing of all vehicles that travel on county roadways. The second would be allowed for licensed and unlicensed vehicles for use. This option is not consistent with county road usage requirements but would accommodate larger usage and reminder from Tamra that CR 241 has a parking lot and then a narrow roadway for crossing onto Forest Service property. This is not a motion just direction to staff about your preference on how to designate that portion of East Elk Creek Road.

Commissioner Jankovsky – I think when East Elk Creek Road dead ends after what it is 1½ miles, it dead ends to a hiking trail, there's no ATV's or motorized access after that and so I think to leave as our only two licensed vehicles.

Chairman Martin – I think you have a lot of ATV traffic up there that uses the road. That goes from the parking lot up through.

Commissioner Jankovsky – Yes, but once they get pass at the end of that road...

Chairman Martin – But, what we are talking about is the parking lot and 1½ to 2 miles would be then only licensed vehicles. I think we need to keep it as a primitive road and use for all the motorized use. That's what it's been for 50 years.

Commissioner Jankovsky – I'm totally good with that. I just don't want ATV's or dirt bikes to try continue up the trail, that's my point, once you hit that bridge there's no access to motorized vehicles.

Drew – If that is the goal, then it would be licensed vehicles. If you're saying the goal is to keep ATV's and particular motorcycles off a particular section, then I think it would be licensed vehicles.

Chairman Martin – No, because we have extinguished our ownership under the RS2477 public right of way at First Bridge, which is again above the parking lot. It's a primitive road from the parking lot where all previous between the Forest Service and private property, it goes up to the picnic area, a camping area, and then where Tom is talking about is called the First Bridge and that is one of three bridges that are there, but it is limited to foot traffic at that bridge. To that bridge, it should be primitive road and all vehicles are allowed.

Commissioner Jank – And I'm okay with that because once you get to that bridge, there is no way that a motorized vehicle can go beyond even if you know that bridge and trail. It is over ground, small has lots of blow downs in fact our Youth Conservation Corp if they could spent two days on that trail with chain saws to really improve the quality of trail. There are a lot of blow downs but there's no way motorized vehicles can get pass the trail.

Drew – Okay, so licensed and unlicensed to the bridge.

Chairman Martin – Yes. That was also used also until the mid-70's in reference to a mine that was up there and it was a one-ton power wagon that used to go all the way to the mining processor. It hasn't been used since and that was transferred back to the Forest Service.

Commissioner Jankovsky – It's all sloughed in and I kept looking at this and saying, how could they get to this mine.

Drew – We have a meeting this afternoon on this topic and I will communicate your direction.

Chairman Martin – We do want to keep it as a primitive road, that's what we told the Forest Service, concerned folks and the Town of New Castle make it a primitive road and we were concerned about the sloughed areas.

### **County Commissioners Issues and Calendars**

Commissioner Samson – Tomorrow 8:00 a.m. on Grand Avenue Bridge Project Update, 9:00 a Budget Projection and at 10:00 we got have the County Energy Plan. Then on Wednesday, we have a site visit at 9:00 for the KoKopelli Phase II Pipeline. We will meet at the Rifle Airport Planning Office at 9:00 a.m. Looking ahead here, the following Tuesday we have a special work session at 8:30 a.m. with the Town of New Castle.

Drew – Your administrative staff will. Commissioner Samson – Then at 10:00 an update on open lands from the Garfield Legacy Project. Then on July 10 at 8:00, we have a special meeting for the new recommended United Land Use text. There is a bunch of special meetings coming up. Wednesday, the 13<sup>th</sup> we have an application due to our stand in preparation for a new meeting on the 15<sup>th</sup> our first meeting where we actually sit down and start discussing and start giving money. The 14<sup>th</sup> Thursday, I will be traveling down to Grand Junction to chair a meeting on AGNC that will be at 10:00. I may have some other meetings, will you be able to perhaps cover for me Thursday night if I'm not able to be back for the meeting with the fire deal, would you give us a short meeting on what happened.

Drew – I guess the question for the county attorney's office did the meeting, you are there as a policy manner, this is for the Regional Fire Authority, we're just there to show support for this entire undertaking and there's an IGA that they are working towards and we're not a party to that either but that's what the county attorney ultimately would want to be there. Commissioner Samson – So are they close to that. Drew – Closer. Commissioner Samson – I'll try to get back on the 14<sup>th</sup> for that meeting. Then this Saturday is the big parade I understand. Commissioner Jankovsky – John what time do you want us there for the pancakes. Chairman Martin – We'll start cooking at 7:00 and it goes between 7:00 and 9:00. I would leave you a little flexibility there because I know you have other schedules. Mr. Samson will be there about 6:30 so don't worry about it. Commissioner Samson – 7 am for pancake cooking.

Chairman Martin – It's all free of charge for people in the parade because they never get eat and they are always there early to set up, also the security shifts of the police and sheriff's departments, volunteers etc. Commissioner Jankovsky – So we just have to show up. I'm getting good at cooking pancakes. Ok, I've got the same meetings work sessions as Mike mentioned. Tomorrow there is a GARCO Building Corporation meeting from 11:00 to 12:00 – they are going to go to and concerned about both a work session pushing into that, it's fine if it happens. Drew, what's that on the Garfield County Building Corporation, is that a meeting to dissolve primarily. Drew – No, the Garfield County Building Corporation, first I'm now speaking to you as Special Assistant County Attorney, this is one of about 10 issues that I'm still helping the county attorney's office with. The Garfield County Building Corporation sits on the other side of your ground lease and building leases for the Sheriff's Office Complex. This is their annual meeting; it's been some time since they've had a meeting. They will be electing officers. So at 11:00 a.m. I don't think this meeting will take very long but it had to do with their annual appropriate filings, getting their

director's re-elected, introducing them to you, the treasurer and finance. In the work session that precedes this you'll see consideration of earlier retainment of that series of COPS because the penalties you're probably not going to see that until 2015 but again something to work towards. This is distinguished from the Garfield County Finance Authority which it's discharged it's duties on the other side of the County Office Building and the Hunter Mesa properties. They still exist and it would be up to them whether they want to continue to exist or not. The thinking of that board just for the record is that they decided to stay in existence in case they needed to be used again. There is no cost in doing that, there may be benefits doing it and their annual meeting is next April. Commissioner Jankovsky – There's a couple of Ski Country Sheriff's meeting with all the sheriffs from all the ski counties in Colorado Tuesday (tomorrow) at 12:30 at the Hotel Denver. I'm just going to go over and say hello and Colt is going to be representing Garfield County. This is more has to do with the sheriff in San Miguel County who is concerned about Search and Rescue efforts and he's requesting a tax of lift fares so it is just a discussion item amongst the sheriff's and the ski county folks. It goes from 12:30 to 3:30 at the Hotel Denver. I believe also tomorrow from 1pm to 2pm there is a meeting concerning fleets with Matt, Deb, Drew and myself. Is that correct Drew? Drew – Yes. Commissioner Jankovsky – It's going to be tight because at 2:15 there is a meeting with our Oil and Gas Liaison and getting an update from the Battlement Tour from EnCana at the Airport. I believe all of us as well as a number of staff have been invited to that meeting. Drew – Commissioners, I think I'm going to reschedule the fleet meeting in light of all these others meetings and just for the benefit of the other commissioners the immediate topic is "Right Sizing the CNG Portion of our Fleet". The larger topic is "The Fleet Itself and Its Size and Use" and I think it would be more productive show you this all at once. Commissioner Jankovsky – P&Z site visit as well on the 13<sup>th</sup>. On the 13<sup>th</sup>, I also have a Garfield County Clean Energy Retreat at 10 a.m. I will miss the start of site visit will go at least until 11:00. That goes through the rest of the day on the 13<sup>th</sup>. Roughly, that's at the Rifle Library so I won't have a lot of traveling. On the 14<sup>th</sup>, I have a meeting on the BLM Resource Management Plan and 4 to 5 pm there's an Investment Community Meeting at the Treasurer's office that I will be attending. Then on the 15<sup>th</sup> I will be in Craig for a Sage Grouse meeting with the four counties that are involved from AGNC for the benefit of the mesa that has Sage Grouse and I was pleased to see Routt County there, we've been meeting with the general named Bob Buck who is the facilitator for Wyoming, Nevada and Utah on their Sage Grouse plans. We're having that meeting in Craig. Commissioner Samson – Do you know who's going to be there from AGNC? Commissioner Jankovsky – Sean Bolton, Dan Monger, Audrey Danner and not sure if it's Tom Grey from Moffatt County as well as well as Jeff Constatt. It will be well represented. Also during the phone conference for the CNG group that is part of the Garfield Clean Energy they are coming up with a group called Masters inaudible..... that's potentially will come in and do a turnover in your lease and a fuel station for CNG vehicles, they would be looking at least 50 vehicles in the region for a Glenwood Springs fueling station, so that is one of the topics of top priority that we had. Besides and that came about primarily through Rio Blanco county has put up a quarter of a million dollars to get a fueling station in Meeker and was looking for matching funds from the state for them to be able to do that and the state, Governor's Energy Office brought them to table. So some discussion was brought back to us concerning that as well as the City of Glenwood Springs and potentially the Forest Service to see if there's enough interest to go that route. Obviously, it's something we have to look at as far as cost and our fleet etc. The question I might have is it's worth fitting you into the discussion on that, I know that Matt had that meeting. Drew – Ok. I wanted to along those lines, following up on the discussions with RFTA and sort of a short-term solution and being able to access wherever they develop on the hill there and opening up the CNG fueling station that they are trying to put in Glenwood Springs Maintenance Facility used by the city and county vehicles. Then it really is an opportunity to immediately expand every structure. We can use all kinds of CNG vehicles if we didn't have to go to Rifle to fuel. Commissioner Jankovsky – There would be two locations then you could potentially start looking at larger size vehicles. Drew – Yes.

Carey – I have your EnCana meeting on Tuesday, June 12 from 2:00 to 2:50 pm at the Rifle Airport. Drew – Is that noticed? Jean – We didn't know about it. June 12 from 2:00 to 2:50 at the Rifle Airport, tomorrow. Drew – Tomorrow so, you'll have to get on it.

Chairman Martin – I have made a request several years in a row that I would like to see on "Flag Day" the 14<sup>th</sup>, which is Thursday, to hang American Flags in front of the Courthouse. The holders are in place already. I would like to see the flag on the Courthouse between the 1<sup>st</sup> and 2<sup>nd</sup> floor on the front of the Courthouse facing 8<sup>th</sup> Street. I think there are 8 to 10 of them. Drew – 8 to 10, do we have enough flags? I think I made that request before but we have never been able to get those flags up. So I would like to see that happen, it would be very patriotic this year so we can have a standard of putting those flags up and also light them. I was hoping we could get this done between now and Flag Day on June 14. In addition, it would look nice for the 4<sup>th</sup> of July. We'll have to take an inventory on how many there are, one year that I saw them was very nice. Commissioner Samson – I had a phone call concerning from an individual who was quite concerned, the intersection at CR 331 and CR 311, he almost was hit. He would like to

see us check into it, he says the westbound traffic just flows right through there at terrible speeds. He almost was hit. He would like to see if it is possible for us to have a stop sign put up and remark the roads with stripping. Chairman Martin – That would have to be a recommendation for the traffic officer which would be the sheriff and they make that a request and then we make a final determination and give the direction both to road and bridge to install it. Commissioner Samson – Should we have the sheriff's office look into that. Chairman Martin – The sheriff's office needs to investigate. Commissioner Samson – Does he have an office that does that takes care of those. Chairman Martin – I believe Colt Cornelius and make sure the proper person is there, the undersheriff and the traffic division. When we adopted the Model Traffic Code, we did it for them and it comes under their review and maybe take a request to this Board to move forward. Let's see what warrants a stop sign. CR 311 runs the other way, so it would be CR 331.

Commissioner Jankovsky – I have a couple of items – paving roads. One of my neighbors dropped by in Westbank and stated he felt the job done was excellent, he thought it could be a little bit more compacting done where the asphalt goes into the driveways. I've been driving down the road I don't see that, but he said he did Mike Prehm. Just knowing Mike, I'm sure he will look into it. Just a heads up on. He felt that at least his driveway he didn't a good job of compacting the asphalt and it would deteriorate there. Second thing, I've been looking at many websites and blogs, two websites I've been looking at as some are complaining about County government not been transparent and that needs to be improved. I know Chris Treble was in front of us showing a video and suggested videos for the County to try and get more information out of our different departments. The Air Fair and many other places. I would like to try three of those to see how they work, I know I brought that to the attention of Renelle but I haven't had any feedback from her. I think the more ways we can get out to the public as a County. Commissioner Samson – Did you say they were complaining. Commissioner Jankovsky – They are complaining that there's not enough transparency and forthcoming. I would say the question is the more we can do the better. Commissioner Samson – The reason I would say that is as far as I know we have information out on the web for the FML and the same for the Air Show. Commissioner Jankovsky – If you go to our website and you want to go to any Commissioners meeting, I haven't done this but I believe you can go to any Commissioners meetings and you can watch the entire meeting. I'm just stating it's out there and I want to do as much as possible. I want to get as much information and be as open to the public as possible and with that I would like to say that Renelle has been doing a great job, the press releases that are going out are being placed and again we probably have on the best websites in the State of Colorado. Drew – No doubt about it. Just some on the transparency issues, today's agenda included which you passed included a Resolution on Executive Sessions. In January, you passed a Resolution to improve your executive sessions protocol/policy. Last fall, you passed a Resolution on Open Records, we've had multiple requests from other counties to look at our Open Records policy, which you passed and I've met weekly with all of the departments that were heavily impacted or created outright by the reorganization on March 9, communication is one of them. In Friday's meeting with Renelle, she went through all the factors. I don't know if this is one of the websites you are looking at or not but there is rating agency and have a list of factors about they consider openness. I think on the issues that really count and it's been in you meeting in Parachute and travel here to access more of your citizens. You are far and away as transparent as any government needs to be. Other criteria, yes, its policy matters whether you want to do that or not. The statute requires you to publish the salaries of all of your positions, not by name but by position annually. This website wants it by name on your website always so what they consider transparent may not be what you consider transparent or necessary to be transparent. There were eight or ten other factors, I'm working with Renelle towards a presentation to you about your website and we'll address all these issues that you raised today more. I can tell you immediately as an administrative matter that's an area of the county that needs substantial resources. You're talking about a Website Department of the Communications Department, it is outgrew Renelle the minute she hit her first keystroke and she is doing the work of two or three persons right now. This has to do with designing ads for these meetings, press releases, internal and external communications, we're already at work with the IT Department to upgrade your Entrant basically I'll recommend to you it will be a scrap and start all over. County Pages and things like that, employee relations are where you have led the County to be more sophisticated. I've had direction from the Chair is simple two make Garfield County one of the leading counties in the nation, to make it the best county in the nation. I think it's possible and second the specifics of that are why you hired me. I know the other two commissioners are on the same page as Chairman Martin. Commissioner Samson – Let me reiterate to Renelle, I don't know if you've had a chance to look at the Air Show Brochure that has come out. She has a full page about the meeting today, the rest of the meetings we've had and getting the Commissioners and how we've branched out in regular meetings to have more community meetings. Commissioner Jankovsky – I understand the whole thing with media relationships and community to the public has changed and continues to change because there's so much social media and I'm looking forward to that presentation

by Renelle because it's not longer just TV, newspaper and radio, the whole Facebook, Twitter things I'm not even aware of that are going on and out there. It has changed I guess. But our website is excellent. Drew – It's beyond excellent. There's something special there I want to show you but I don't want to steal Renelle's hard earned thunder, which by the way she does not seek, she simply does a great job. Commissioner Jankovsky – How we tie that back into Facebook and how do we tie it into Channel 10, Community Access channels so that all of things are informative, ongoing and changing. Drew – We'll have Chairman Martin tweeting before you know it.

## **ADJOURNMENT**

### **June 12, 2012 PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

#### **SPECIAL WORK SESSION**

##### **a. 8:00 a.m. Grand Avenue Bridge Project Update - First Session - Terri Newland (second session August 7th, 8:00 a.m.)**

Tom Newland, Joe Elson and Craig Glasgow presented the Alternatives, gave a briefing on the process, indicated lots of public participation and these was covered in the media with articles and paid advertisements. There were other alternatives brought by the public. Today, the presentation will include phasing.

Background information: 120 attended some or all of the recent public meetings and Stakeholders Working Group.

Since information has been out it has generated interest. We have been speaking at clubs and organizations. We did a travel survey and 80% responded.

We plan to have a booth at Strawberry Days and the Downtown Market for individuals who want to ask questions. There are four remaining alternatives:

Alternative 1) Extend the current bridge.

Alternative 3) Full bridge aligned to Exit 116/Laurel/6th with small roundabout.

Alternative 4) Two bridges, aligned to Laurel and Pine with a single connection to Grand Avenue.

Alternative 6) Couplet using Grand Avenue and Colorado Avenue

Input from the community: Alternates 1 and 3 have had the most public comment and these two are favored by most people.

Timeline and decision makers.

Preferred Alternative by the end of August.

NEPA Documentation 2012 - 2013

Design 2013 - 2014

Construction, end of 2014

**b. 9:00 a.m. Budget 2013: Projections and Approach - Ann Driggers**

Drew Gorgey stated Ann has worked very hard on this presentation and will need policy directions from the Commissioners. This is not the budget kickoff that will occur in a few days on June 20. Ann provided a handout and presented this in a Power Point concerning today's discussion and objectives. I have reviewed it before today. I want to let you know that your finance department has won another award. This is from the Government Finance Officers Association for Distinguished Budget Presentation Award. The document that is produced at the end of every year has won an award. That is the second award from the department and we are working with the public information department to get that word out.

Chairman Martin - Congratulations.

Ann Driggers, Senior Finance Officer and Economic Development provided a handout explaining the details and a Power Point with projections and approaches for the Budget 2013. This is to have a strategic approach to the 2013 budget understanding what we want to accomplish at the end of it and be strategic about it as we can. A framework was prepared to help staff present a budget the Board wants to see in December 2012. The direction we request is, what are our the broad long term perspective, linkages to broad organizational goals, results and outcomes and providing incentives to government management and employees that will lead to program efficiencies and effectiveness.

The Budget Framework and Purpose is to provide direction on short-term and long-term planning, provide guidelines for developing the budget and define priorities to aid in the final decision-making process.

The current policy directives for 2012 as far as organizational is to:

- Restructure and managerial downsizing;
- Road and Bridge/Engineering projects
- Communications
- Procurement Code
- Fiber Optic Cable
- Economic Development
- Strategic Capital purchase/201 8th Street

Financial:

- Reduce fund balance from \$125 million to \$105 million
- Pay off COPS 2001
- Establish an Investment Advisory Board
- Banking, investment, custodial and electronic online receipts and payments

Budgetary:

- Balanced Budget

For the Future Policy Directives:

Organizational Goals

- Specifics for 2013
- Broad goals/long range for 2014 and beyond

- Operating and capital

#### Financial Goals

- Strategic considerations
- Contingency planning/reserve levels
- Debt issuance and management

#### Budget Approach

- Define preferred relationship between revenues and expenditures/policy on balancing the budget
- Define budget methodology- basis for budgetary process
- Define level of staffing (headcount)

What are the Organization Goals for 2013?

What is the 5-year plan; does it include the Elected Officials Building?

Budget Approach - A balanced budget is recommended not spending more than within our means.

Commissioner Samson - I would like to have a minimum of \$100 million in the general fund.

Chairman Martin - If additional FTE's are needed i.e. in Communications, Procurement or wherever, we need to make sure we have funds available.

Personnel direction on additional FTE's, 2013 total awards in the budget but these were evaluated separately in the March 2013 an estimate of 2% performance increase.

Ann gave the calendar for the budget process.

- June 20 - kick-off meeting for department heads and elected officials.
- September 4- 12 for the review of the preliminary budget worth numbers for departments and elected officials.
- October 3 BOCC and Budget Officer
- October 10 BOCC and elected officials
- October and November public hearings and continued review
- December 3 - 7 finalize the budget for adoption
- December 10 adopt the budget for 2013.

#### c. 10:00 a.m. County Energy Plan - Fred Jarman

Chairman Martin - In response to our request in reference to an overall Energy Plan what are we going to do in Garfield County, how are we going to approach different issues, etc.

Fred Jarman - I have talked both to Chairman Martin and Commissioner Jankovsky on this concept of an energy plan. During the last month I looked around, put some queries out for counties that are experiencing at the very least natural gas growth or development in Rio Blanco County, Weld County, LaPlata County, Mesa County and

others to ask them if they had a plan focused on energy and what that meant for the counties. So far Mesa County has responded, Linda Daningberger who is their planner and forwarded it to Commissioner Jankovsky to see if we were in the right vein for what the Board is looking at. It didn't hit the exact target. I thought it best to kick this conversation to you to better understand where this Board would like to go with this Energy Plan. There are different plans out there, the focus anywhere to natural gas to all renewables so the spectrum is wide. Policy documents, a view in how you might want to focus on these types of energy related activities or very specific such as capital improvement projects. This falls into two sections, a policy decision and how do we look at the County better positioning itself for energy activity? This would include our road infrastructure such as a heavy haul system, we have one in place but does that need adjusting, evaluated or other areas expecting future development to provide access. I need better direction on a focus from this Board. Kirby Wynn invited some energy partners here today.

Energy partners present were Phil Vaughan with EMCI, Daniel Padilla with OXY, Lisa Diaz WTXI (Williams) and two others from Barrett.

Commissioner Jankovsky - There are a number of things. In our Comp Plan, we have an Energy Section, do we have on private lands and do we show those as energy lands or natural resource development in our Comp Plan.

Fred - There are a couple of things. The Comp Plan of 2030 there is information clearly on extraction, development of energy resources but not specific related to lands. In the Resource Lands, the Zoning Code more than anything else has set aside those lands as being designated as right for extraction, use by right and the industrial zone.

Commissioner Jankovsky - My concern is we have stayed away from federal lands in doing any kind of planning. I want to emphasis multiple uses, look at county roads and haul routes to get where the various types of energy could be located.

Chairman Martin - Transportation is the big one we need to identify and have in our plan for capital improvements for access.

Fred - The energy plan would be a policy decision. Garfield County may be unique in developing an energy plan that would include gravel, oil and gas, coal, timber, wind and solar and rare minerals. The plan would put the County in a better position for energy activity.

Chairman Martin - It will require partners from industry, municipalities and citizens.

Drew - It is statutory to have a Mineral Extraction Plan for a population of 75,000.

Chairman Martin - We are at 55,000 but we can do it sooner.

Fred - Winston and Associated looked at this type of plan but didn't go that far in detail.

Commissioner Samson - Yes, a Mineral Extraction Plan by law has to be done when you reach that population number.

Phil - Energy Extraction plan and support facilities are two primary areas. In the 90, we did a gravel resource plan.

Chairman Martin - This plan fell short, we need to identify GIS and geology, establishing how and where, electrical, oil and gas and how they hook up to other mining. We need to identify those resources in Garfield County with mapping. Then what we need to say is what is needed for those developments and set our priorities with Road and Bridge with our needs. Do we rebuild Divide Creek Road or Mamm Creek Road? What are our practices for transportation and grid routes, roads, priorities, overweight/oversize for



future development, zoning and potential infrastructure? How does this fit into our long-range plan and the steps along the way and how to diversify our economies. This would be a vision and not just oil and gas.

Chairman Martin - Look at wind patterns in Western Colorado, why aren't there 100 foot combines, do an inventory of our resources and build that into our capital improvements plan. Who are our customers, investors and users to have a clear pathway? This should not be on the back of the County to make it happen.

Commissioner Samson - There was a good presentation at CCI, oil and gas it top right now but I would like to look at rare earth minerals and where they are located. The State Geologists can send slides to Fred.

Chairman Martin - What is needed to process that such as industrial zoning, the Comp Plan, compressor stations and are those acceptable.

Phil alluded to zoning and said resource development is where they are located, where the gravel is located, agricultural and industrial. The 2030 Comp Plan supports infrastructural, pipelines that cross natural lands.

Commissioner Jankovsky - I have a different take, how do we stay off federal lands for planning. I would like to include federal lands in this Energy Plan such as on the top of the Roan Plateau, Four Mile, south of the Colorado River. How they are classified including recreation and transportation of haul routes and how to get to these places.

Chairman Martin - This would include all four corners of the County. Do we have legal access for the plan, etc? Multiple uses falls in this plan and that means work.

Commissioner Jankovsky - I would like to see oil shale development in this Energy Plan.

Commissioner Samson - Vanadium, where processing plants can be located as well as hydro plans.

Fred - To end this today, I believe I have the direction, step one is do an inventory and find what is where and how to accommodate those resources. Again, this is a policy decision. There will be multiple steps in this plan.

Chairman Martin - Not just for us but for future boards and determine if it going to cost us more than it's worth. Need mapping to see where it is - worth it or not. We must have mapping of these resources. Fred has much work to do in the development of an

Energy Plan for the County working with the industry folks, BLM and the Forest Service.

Fred - We can set a frame up for a scope and flesh on the bones and come back to the Board to see how it fits and works.

## **Site Visit**

**June 13, 2012**

### **Special Meeting – Site Visit Kokopelli Pipe Line**

**Chairman Martin, Commissioner Samson, Commissioner Jankovsky and Special Assistant County Attorney and also Garfield County Manager Drew Gorgey and Senior Planner Molly Orkild-Larson**

Meeting began in the conference room at the Rifle Airport.

Chairman Martin explained why they were all together; there were no under the table deals and it is all on the up and up. No decisions will be made. Chairman Martin asked everyone who was going on the site visit to identify themselves.

Travis Casey, Diana Casey, Sandy Hotard with Williams, Tom Fiore with Williams, Phillip Vaughn with PVCMI Land Division, Arnold Mackley, Darlene Mackley, Dianne Boe, Craig Boe, Kirby Wynn and Scott Brynildson who is with the Advisory Board with the Commissioners regarding oil and gas.

Drew Gorgey – Although the site visit is itself a public meeting, this is not the evidentiary portion of the hearing. We are not in Glenwood Springs in the meeting room; whatever statements are made need to be factual on nature. There is no lobbying for or against. There are questions about the site itself, commissioners would be allowed to ask questions and you as the applicant or the applicants representative would be allowed to answer them and Phil whatever presentation you would make on behalf of the applicant or that the applicant would make on behalf of themselves, would again be limited to that. This then becomes part of the record of the public hearing when the application is reconsidered and you can do whatever advocacy or statements from the public at that time also. The public can ask questions; but again you are gathering facts, you are not framing your questions in such a way that it is advocacy. The commissioners are encouraged not to drive in the same vehicle. You can take three cars; you can double up with staff members. If that's not possible and you do find two or three of you together of course observe the open meeting law and you would not be discussing public business of adopting a proposed policy, position or taking any sort of formal action. We would discontinue the recording here. We will start it up again out at the site. Because we only have one recorder and we are outdoors, it's essential that you only speak one at a time and when you do that every time before you speak and this goes for the commissioner's also; please state your names so that we do make a good record. Either ask your question or make your statement and then it would move on to the next speaker and of course, you need to be close to the mike for that. He asked if there was anything to add and there was not. We will discontinue the recording and drive to the site.

Chairman Martin asked if there were any questions first.

Arnold Mackley wanted to request that they stop at the bottom of Meads Hill as it gives a good picture of the view shed of what they are dealing with.

Molly wanted to give an overview of the project before they went to the site. They had talked about looking at three stops; not to say they couldn't add another one. Molly asked if they could show her on the map where this was located. Molly was thinking about proceeding was to first start at the Dry Hollow Compressor Station; the pipeline itself is about 22 miles long. 16 miles is on private property and 6 miles is on BLM, Federal land or public land. She was going to try to stop at several locations along they're starting at the Dry Hollow Compressor Station that has a real good view down the valley. They will give them an idea of how the pipeline will run. The next stop they were looking at is near the TP Bible Camp and then looking at Rulison. Now they can add Meads Hill. Molly explained they would be going in a caravan and she would take the lead with either Tom or Phil and have someone at the back to make sure no one is lost.

Arnold had some maps he wanted to give to everyone.

Drew – No, they would be part of the public record at the public hearing. Arnold can bring it to the second portion of the hearing.

Molly – Even though it is part of the directors determination because it is part of the packet. It's those maps from the.....

Chairman Martin – Has it been introduced as evidence.

Molly believes it is Exhibit L.

Drew – If's it's already an exhibit that's been admitted then yes.

It was discovered that Arnold just made the maps in question.

Molly explained it would be new evidence.

Phil Vaughn – Just for notification to the Special Assistant County Attorney; Exhibit L has not been accepted in the record yet. That is new information and would be entered on June 18<sup>th</sup>.

Molly stated that was correct.

Drew explained Arnold was free to submit that (the maps) at the public hearing.

Chairman Martin explained it keeps the record intact and the applicant gets a copy.

Phil – County staff has already provided Exhibit L to them yesterday.

Drew – Mr. Mackley, I suggest you do is see if he has any evidence that he wants the commissioners to consider at the public hearing; make sure it is submitted to the planning department and they will make that part of the record at the public hearing.

Molly asked her to give her one and she can scan the map.

Drew – so they are not receiving that today; it's just questions and answers today about the site.

### **Site Number One:**

Chairman Martin – Molly will give the layout and if there are questions, we can ask Molly or the applicant and go from there.

Molly turned it over to Phil Vaughn about the layout of the pipeline.

Phil – We are standing at the Dry Hollow Compressor station and he turned over to Tom Fiore.

Tom Fiore – The pipe is going to exit down at the corner where we just came in and it goes over to where you see those pipes over there and turns and runs south along, this is the Hill property and it's going to run south for about a mile or half mile until it crosses the Jenkins cut-off road. He didn't know what the county designation is but Jenkins cut-off. Then generally, it works its way through the Cooley property and runs in a southwesterly direction out into that valley that you see out that way. Hooks around through that valley and eventually works its way up over the ridge that you see in the far distance. Most of this area from here to where we get to the Forest Service down at the bottom here is on fee land with the exception there is one little 40-acre BLM piece that's kind of right down in the middle of that fee land.

Scott Brynildson with the EAB. Is that pipeline on the Cooley property, has it been installed?

Tom Fiore – No.

Scott Brynildson – There was just a line that went through there.

Tom Fiore – Don't know about that.

Scott Brynildson – Okay. Thank you, so none of this has been installed.

Tom Fiore – No.

Arnold Mackley – Is that a typical cut down through the junipers; how wide of a cut is that?

Chairman Martin – On the two pipelines that you see there?

Tom Fiore – I'm going to say somewhere between 75 and 100 feet; I don't really know. We didn't install either of those lines.

Arnold Mackley – Is that a typical pipeline all the way over to Spruce Creek? A typical cut through the junipers?

Tom Fiore – That was installed by EnCana's so...

Commissioner Jankovsky – Where does this go over the ridge?

Tom Fiore – It goes over the ridge; if you see this orange hoop thing here, your kind a straight out there on the skyline is about where it goes over the ridge.

Commissioner Jankovsky – So that, it's gonna go over all the way over the top of that hill straight?

Tom Fiore – Yeah but it's gonna be coming up over at an angle so you wouldn't be able to see it from here. The cut from here, because it's down in the bottom there and it kinda angles its way up and if you look at that ridge line there's one little kind of area there where's there's a little bit of a dip.

Commissioner Jankovsky – Yeah I see that.

Tom Fiore – Straight over the orange thing; we'll be coming up over the top of that at kind of an angle.

Molly – So right here Tom on the map, okay that's the, right there Tom let me show you. That's how it angles.

Tom Fiore – And we're standing right here kind of looking at it obliquely.

Commissioner Jankovsky – So it gets into this meadow, the Cooley meadow, and then goes up from there diagonally.

Tom Fiore – Right.

Commissioner Jankovsky – Where does the private land end there?

Molly – Right, you can see....

Tom Fiore – You can see we're standing here and this is all private land here with the exception there is one little 40-acre parcel of BLM land which I think is right there and then goes back on fee all the way to here and then right here is the fee Forest Service boundary. And then from that point all the way to here is BLM and then we cross two fee pieces here and then the rest is BLM over to there. But as far as around here basically everything that you see to where we start up that hill is fee land except for that one little piece of BLM property. The BLM piece is kind of tucked down in the hole.

Arnold Mackley – Have you tried to work with EnCana on keeping all the pipelines in the same corridor?

Tom Fiore – We have, there's some major landowner issues.

Phil Vaughn – Tom before you answer that question, I would like to ask the County Attorney, acting County attorney, if we're getting into areas of substance of this application versus the facts of what we are out here on the site visit for.

Drew Gorgey – It's on the boarder; you really need to be asking about the site itself. Like when you're talking about geography and your pointing to the site and your asking questions about this and that; Phil you're asking about a visible corridor it's a blended question. You can respond or not respond it's your option. But you do really need to

limit your questions to the site, what you see and leave any questions that boarder on advocacy for the hearing.

Arnold Mackley – What's the boundaries at the site; just the compressor station or...

Drew Gorgey – I mean we are on a site visit so it is what you can visibly see from here.

Scott Brynildson – I'm with the EAB, this is my area and if you can tell in that recorder there is two big scars in the land and that's what Arnold is getting at. We are just wondering why there would be a need for a third scar across our property. It has to do with deer, elk and wildlife and we just wonder why there is going to be a third scar.

Drew Gorgey – That is advocacy; you do not have to answer that question.

Scott Brynildson – I'm not looking for an answer.

Drew Gorgey – You are.

Scott Brynildson – Okay, I want to make a statement this is right through my area with EAB. I'm just looking at it, the people to me aren't gonna be able to see this. I see two big cuts over here.

Drew Gorgey – I'm gonna stop you. You're advocating for, against a third scar and that's more appropriate for the public meeting in Glenwood Springs. If your making, and we're recording this visually also, and if you see physical characteristics of the land, everyone is here to see that and you can advocate about what you see later not now.

Scott Brynildson – Okay, thank you.

Commissioner Jankovsky – It looks like there's somewhat of a drainage there but I can't really tell from here.

Tom Fiore – We're going to stop right there which is on the Forest Servicing, we'll be able to look up at that area.

Commissioner Jankovsky – That is a drainage there is that correct?

Tom Fiore – Yeah.

Commissioner Jankovsky – It says Ramsey Gulch?

Tom Fiore – Yeah.

Craig Boe – Has anybody done any research to try and decide how long those scars will be there, how long the trees will come back?

Drew Gorgey – Not an appropriate question.

Scott Bradleson – We're just not very appropriate.

Chairman Martin – In this venue, there are questions we can discuss at the public meeting so it is on public record and the rest of the public can listen to it Scott. That's all we are trying to do. We just don't have everyone here so we can't really get into the detail that you want to on those issues.

Scott Brynildson – We got a bunch here.

Chairman Martin – I know but you don't have the general public. You know how that goes. Ten, Twelve people don't make the whole county. We need to keep it on the up and up. So those questions are very appropriate but not in this venue.

Drew Gorgey – I agree.

Commissioner Jankovsky – Will it be built?

Tom Fiore – The compressor will be built if this project, when this project goes through.

Chairman Martin – Just a clarification.

Travis Casey – Is the compressor station located behind us, in front of us, we're on the edge of this fenced in area.

Phil Vaughn – The question was asked about where the compressor station is proposed, it's this area that we just turned around in. That's the compressor station location. That's already been approved by Garfield County under the Kokopelli gathering system pipeline application. It started from Jolley Mesa to this location about 19 or 20 months ago, so this site is already permitted as per a previous pipeline administrative permit issued by the county.

Chairman Martin – That's located behind the berm isn't it?

Phil Vaughn – Yes sir, just about 250 feet due east.

Chairman Martin – Just a scan of the particular area where we are standing. There is a berm there and vegetation has been removed.

### **Site Number Two:**

Chairman Martin – I want to make sure that everybody says their name first and then their question later. So, explanation of this stop; Molly do you have that or does Phil have that?

Molly – I think it was to show where it went up the hill.

Chairman Martin – Alright, off of 319 Road here and we're going to be facing to the northwest and we have a saddle, you want to take it from there.

Tom Fiore – First of all Tom I misspoke back there when I told you where we went over the hill. That was actually back around the corner; I was off by one cut in the ridge. So the pipeline comes up out of the valley down below there and basically follows 319 Road for the last mile and a half that we were through here Dumas property, Rose property comes on to Forest Service. This is Forest Service right here; we're coming alongside of the road here and then right there where you see those rocks we make a turn and then we go up the hill from here and up over the top and down the other side.

Commissioner Jankovsky – This is where the 90 is?

Tom Fiore – Yes.

Chairman Martin – And also for the record there is existing pipeline within the right-of-way of the roadway, 319. It was put in several years ago and been reclaimed so that is an existing pipeline in that right-of-way. Questions on this site?

Arnold Mackley – Where does it end up over in Beaver then.

Chairman Martin – The existing pipeline, what it does is goes all the way up in front of Riley McClungs old property and then drops to the south and goes into the Forest Service at the boundary line there; there's a cattle guard and then there's a gathering station there that's part of this pipeline. And then it goes up into Johnson's property to the south, comes back.

Travis Casey – I think Arnolds question was, where does your proposed pipeline go in Beaver Creek.

Chairman Martin – The site itself and that would be to the north and to the northwest.

Arnold Mackley – Is that part of the pipeline already built in Beaver Creek?

Drew Gorgey – Applicant answer.

Tom Fiore – This is brand new pipeline and nothings been built yet.

Chairman Martin – Nothing at all.

Dianne Boe – Given the map that we were given at the beginning of the meeting that has all the numbers on it, 1 through 26; where are we now?

Chairman Martin – Ten, eleven.

Dianne Boe – At about at a ten?

Chairman Martin – Uh hum.

Arnold Mackley – Have you got the Forest Service permits?

Drew Gorgey – Inappropriate question. It's not a question about the site.

Chairman Martin – That's a question that you'll need to go ahead and ask in public session Arnold.

Commissioner Jankovsky – Tom, this view shed is pretty much protected by this gulch then when you're going up the hill from the east, you can't see it.

Tom Fiore – Right, you can't see it from the east.

Chairman Martin – Tom, is that a stake up there in reference to the layout, the one we're looking at 12:00 from where we're standing? There's a stake right there in that clearing.

Tom Fiore – Yes.

Chairman Martin – That is the layout?

Tom Fiore – Right, we're actually the pipeline is about 50 feet off the road here and it comes up and then makes a 90 right there at the stake that you see. You're talking about the one right on the other side of the tree.

Chairman Martin – There's the one with the blue and then the marker and then the regular stream marker.

Tom Fiore – Yep, right.

Chairman Martin – That's the route that it's taking.

Tom Fiore – Right.

Arnold Mackley – How wide of what we can see looking up towards that saddle; how wide is the construction right-of-way there

Tom Fiore – 75 feet.

Travis Casey – What size of pipeline?

Molly – 16 inch diameter, natural gas.

Travis Casey – One natural gas pipeline?

Molly – Yes.

Travis Casey – And is there another pipeline?

Molly – No.

Travis Casey – No water line or nothing like that?

Molly – No.

Chairman Martin – Other questions on this site? Did you do a panoramic on this one?

We did on the other one, which is the compressor site station because we wanted to see that one got a view. We can pan through here and to make sure that you focus in on the stakes right at 12:00. Thank you.

### **Site Number Three:**

Chairman Martin – We are stop three on the site visit. Explanation of this particular one; this is the anvil point compressor station south of I-70 and we are looking to the south and the proposed route of the pipeline; Phil.

Phil Vaughn – Just one clarification; this is actually the Rulison compressor station. Not a problem, but this is the end of the pipeline and so the pipeline is going to extend from here along 6 & 24 right-of-way and then continue south and then basically out past the compressor station location, the vaser heath and then underneath the Colorado River

there's a river bore that's planned for this pipeline as well so. That was the purpose of this particular aspect of the site visit was to note; end of pipeline.

Craig Boe – I was wondering if there's a chance we could drive up 329 Road. Most of the public that showed up for this meeting is concerned with an area over there. You can't even see the area from where we're at. If we could have a spot to go up and look at the existing pipeline corridor that's already up 329 Road, if there's a chance we could stop up there and look around.

Drew Gorgey – It's up to the chair and the applicant to be honest with you. We had three sites scheduled for today; everybody is on a schedule, we've done three, we've added one so I would defer to the...

Chairman Martin – What's your timeline you figure on that one?

Craig Boe – If we're gonna hit Meads Hill, it will probably take add another 20 minutes.

Chairman Martin – We did discuss Meads Hill at the very beginning and said that we would add that to that I believe.

Drew Gorgey – That's already planned to be added, we're talking about adding another one still.

Chairman Martin – A fourth one, a fifth one and that's 20 minutes from Mead is what you're saying up 329.

Craig Boe – Yeah.

Chairman Martin – What's the position of everyone?

Drew Gorgey – Commissioner, I'm speaking for myself but I and others on county staff are on a schedule. It's a pretty lengthy chunk of time already.

Phil Vaughn – We are acceptable either direction commissioner. We'll go wherever you all want to go. It's your site visit.

Commissioner Jankovsky – The more I can see the better it is for me.

Commissioner Samson – Okay with me.

Arnold Mackley – Yeah I think it'd be good to see that part of the pipeline that comes over from Beaver Creek.

Sandy Hotard – I'm fine, whatever it takes.

Dianne Boe – I would like to see it.

Kirby Wynn – I'm fine.

Commissioner Jankovsky – I have one question for Tom; where does this come off the hill here.

Tom Fiore – We're coming off the hill on the skyline up there and there where you see the development in that area up there where coming down through the trees there and crossing around.

Commissioner Jankovsky – Where those roads are there, in there?

Tom Fiore – Yeah, where we're coming across once we drop up over the hill.

Commissioner Jankovsky – That's forestland until you get to those....on this side.

Tom Fiore – On this side.

Dianne Boe – Your saying you're gonna use those same roads like that scar that's there? Your gonna stay in those roads as you come over or...

Tom Fiore – We come over the hill following an existing pipeline corridor and then we're on a pipeline corridor through Uberg and Rudolph property. We jump back on BLM land and then we're following an existing pipeline all the way on BLM until we cross



Porcupine Creek and then we turn and come north to head down here and come this way. And that's on the map; that would be right there.

Commissioner Jankovsky – So this is existing pipeline then.

Tom Fiore – Right.

Arnold Mackley – We're gonna get a whole better look at it from the Mead site. That's the reason I'd like to stop there.

Tom Fiore – So we've got those two pieces of private land right there and we were down here looking up here, we drop over the hill and then from here all the way to there, we're on existing pipeline.

Dianne Boe – I think it would be good to move to Meads Hill because what we're looking at, this hill blocks your total sight view of where the pipelines going through that we're the most concerned about the landowners. So if we go to Meads Hill, you'll actually be able to see from the site visit what you want to look at; it won't be blocked by this hill right in front of us.

Travis Casey – Is this just gas line 16-inch gas line or is this a water line to this facility also?

Tom Fiore – Gas line only.

Arnold Mackley – I guess we're confused about the map that you handed out. It says water and where it says Bar Gath and WPX. Now WPX is doing the water line; is that right?

Tom Fiore – Yes.

Arnold Mackley – Well let's talk about that from Meads. The meads side; where the water line and the gas line come together.

Tom Fiore – We're not prepared to talk about the water line; it's not part of our project.

Phil Vaughn – Our project, just for clarification for the county commissioners and those who are assembled here; this is Williams mid-stream. Bar Gath LLC is who is the application being made for, the Kokopelli Phase Two pipeline. This is a single 16-inch natural gas pipeline. The waterlines you're speaking of in regards to WPX Energy, I don't represent WPX Energy, and Tom doesn't represent WPX Energy. It's a separate project. We're here to talk about a 16-inch pipeline.

Craig Boe – The paperwork that you handed out; weren't they going in the same trench, the pipeline and the waterline? And then you guys backed off until a later date for the pipeline.

Drew Gorgey – Okay, I'm gonna stop this question and answer on these topics. We're here to look at sites and what is where and save these very good questions, they're all excellent questions totally valid. Just save them for the right venue.

Craig Boe – Sorry.

Scott Brynildson – And every site we've been to, including this one, he just wanted it noted that there are existing cuts in the mountain.

Phil Vaughn – Mr. Chairman on the next site that we're going up to the base of Meads Hill; could we have somebody direct us to where they want to go on that?

Scott Brynildson – We're gonna go up 329 Road first and then come back down out then over to Meads Hill.

Chairman Martin – Arnold would you go ahead and lead that particular area. Thank you.

#### **Site Number Four:**

Chairman Martin – This is our fourth stop on our site visit. Arnold you asked us to add to our site visit, would you explain why you wanted to stop here?

Arnold Mackley - This is the corridor as it comes across; Porcupine Creek \*\*\*\*\*too windy to hear\*\*\*\*\*

Drew Gorgey – You need to get close to the mike here.

Tom Fiore – The pipeline is following that pipeline, you see coming down off the power poles and down and along the line that you see out on the distant horizon.

Dianne Boe – When we were at the last site visit, you had said that this pipelines gonna stay in the existing pipeline corridors so when it comes across it will stay in this existing pipeline corridor that we're looking at right here.

Phil Vaughn – Mr. Chairman I want to object, I think this will fall in, the line of questioning is moving towards previous site visits, discussions about ETC Pipelines we're almost two miles off the right-of-way now. Where we stopped down below is where the crossing is. We're taking a look at other alternatives, pipeline rights-of-way and the like and there are issues that need to be discussed and in my opinion, they need to be discussed Monday in the public hearing.

Chairman Martin – We'll note the objection and what have you. We are taking a panoramic.....at the public session.....too windy.....we have the line of sight there. ....displaying it correctly is that right.

Tom Fiore – Right, come down off the power lines, wrap around there.

Chairman Martin – To the left?

Tom Fiore – right and then it actually cuts back around to the right. You kinda can't see it cause it's in that draw. Comes back around the side of the mountain here, across Porcupine...

Arnold Mackley – Excuse me is that in the corridor?

Tom Fiore – Yes, when you say in a corridor there is at least one existing pipe there and we are in the next 75 feet off of that existing pipe.

Arnold Mackley – Another 75 feet.

Tom Fiore – Correct.

Chairman Martin – Now is that BLM.....too windy.....

Dianne Boe – I guess going back to my question before, just trying to clarify I guess I got my hopes up for a second because you had said that it was staying in a corridor, across until it went under the rivers. So I got my hopes up but your saying that.....you won't stay in this corridor that we're looking at right now...down in that field of cedars, you didn't change it?

Tom Fiore – We did not change the ....too windy

Dianne Boe – Okay, your comment before made it sound like you were staying in the corridor before.

Chairman Martin – Just questions; let's move on from there.

Craig Boe – So when it comes through the cedars down here will you see that scar from I-70 in all directions? It doesn't stay in the pipeline corridor through the cedars, your taking a 75-foot swath out of the 2 to 300 year old cedars through there?

Phil Vaughn – We cannot answer that question in regards to what the view shed is going to be or what the view shed is not going to be. Again, you have asked a question

about a property that is BLM property and a Federal process. The county deals with regulations on private property.

Drew Gorgey – Commissioner Jankovsky, question?

Commissioner Jankovsky – For Tom, we're looking right there where that comes down off the hill and cuts to the left. Where are we on this?

Tom Fiore – Here's the power lines, so you're seeing that thing and then it kinda dunks out of sight and then you see a little more and then the right-of-way that you see up in the distance here, is this way out here and over this way and we drop down.

Commissioner Jankovsky – So that's where you drop down, the right-of-way that's where you come down the hill.

Chairman Martin – Let's go ahead and set this map it's a little better map in reference to the section.....windy.....this is the end of where we were at the Rulison. This is the beginning over at the pump station and now you're looking up off of 320 right over here 20, 21.

Tom Fiore – The pipeline scar that you see out in the distance is this here. The pipeline scar that you see up on the hill there is actually up over here. It is an ETC pipeline that is not ours.

Commissioner Jankovsky – When you come down the hill at that point, come down that ridge.

Arnold Mackley – From the Mead Hill viewpoint we're gonna be able to see a whole lot better.

Chairman Martin – any other questions.

Travis Casey – Why does a 16-inch pipeline need a 75-foot swath?

Drew Gorgey – That's not an appropriate question. Any other questions about this site please.

Dianne Boe – Can someone tell me whose in the industry how wide is the swath we're looking at there, is it 100 feet, 200 feet? What size swath is that?

Drew Gorgey – The answer from Mr. Fiore is I have no idea.

#### **Site Number Five:**

Chairman Martin – We have assembled for our last stop on our site visit and we're looking to the south towards Porcupine Creek and the pipeline corridor. Phil anything about this site you'd like us to know on this particular site. The pipeline, can you see it from here.

Phil Vaughn - Let's pull the map out; it would be easier to work off that.

Tom Fiore – so the power line, out there I can't see it, oh I see it yeah, yeah yeah. The scar that you see out in the distance is the one we would be coming across.

Chairman Martin – That's in the light green.

Tom Fiore – Right and then the low point there that you see, that's Porcupine. And then we come up out of Porcupine there and come across the face here and that light colored well pad that you see out there, kinda right over the hood of Phil's car.

Chairman Martin – It's about 1:00.

Tom Fiore – About 1:00, that is a William's well pad. And our pipeline will end up coming into that well pad around the back and then head down into onto William's property and down Spruce Creek.

Phil Vaughn – On the well pad there is a WPX Energy well pad and the properties that are owned there are owned by WPX Energy as well.

Craig Boe – It's surveyed across there and I've walked the survey so it comes off the well pad you see the yellow on the upper part of that well pad and it comes across straight across the cedars and then it dangles up and I haven't walked where it comes into Porcupine Creek. Where does the existing pipeline corridor, is it in Porcupine Creek?

Tom Fiore – Just to the west of Porcupine...too windy.....the deal there and you come in just to the other side. So if you look at this drawing, here's Porcupine, so here's that William's well pad it's right there. So you come across and wrap around and then Porcupine's right there. So you're just out of Porcupine.

Chairman Martin - So 1:00 to 3:00 on your request, on pad to pad is what you're looking at ... is at 3:00 and are you following me.

Craig Boe – Yeah. I was just wondering how much of the cedar trees it's gonna take out there coming across there with a 75 foot swath? Just so everybody knows what it's gonna look like. But it does come across its surveyed and it comes across off the top of that well pad and then there's another gulch here and it angles up and I walked that. I just didn't know where it dives down in the Porcupine Creek and it gets back on the...

Tom Fiore – When it crosses Porcupine Creek it is on the uphill side of the existing pipelines that are out there and actually there's some archeological stuff there so they kind of get off the pipeline for about 800 feet in the Porcupine drainage and they come back to the ETC pipeline and then it dives and, or the ETC right-of-way goes south and west and we come around the front side.

Chairman Martin – Make sure that we do that panoramic view of those particular areas. Identifying again the top of the ridge to the left down through Porcupine and then panning to would be the west or to the right to the orange pad we've talked about. The yellow pad that you can see on the hillside.

Dianne Boe – Just to get everybody's, I guess perspective, we were just above the yellow pad, the Williams pad and so that pipeline the existing ETC pipeline we saw probably runs between the dark cedar trees and the lighter oak brush. That's the level it's at on that bench. So from here we can't see that pipeline that we just saw, even though it was big we don't know how big it was, but now this new pipeline then will be in the middle of all of that broadband of cedar trees that are left unburned. It will go right across the face of that and end up at the yellow pad; is that correct?

Phil Vaughn – No I would disagree with that. The last location that we were at is out on top of the hillside up there where we all parked and you can see the ETC pipeline scar below that.

Chairman Martin – We have to make sure that we go ahead and put that on our panoramic view and if that question comes up we can do again a still shot and then we can trace each one your requesting or answering.

Drew Gorgey – I'll tell you that the technology for the panoramic view and specific things you're talking about; we'll do our best. It's a pretty new technology, this is only the second time we've used a camera so try to remember the best you can and we'll try to film as much as we can. But that's just a disclaimer.

Phil Vaughn – Mr. Chairman I would just like to note that we've presented three four-inch binders of materials that have colored D size alignment sheets. That was

submitted to staff in our original submittal and have submitted three additional copies to the county commissioners over two and a half weeks ago so there is full details in regards to exactly where this pipeline goes. It doesn't require taking a look at a video camera from four miles away.

Chairman Martin – I want to make sure that it's documented in one way or another for the general public.

Sandy Hotard with Williams – I just want to make one clarification; the yellow pad side that we were referring to or has been referred to is not a William's pad side, that is a WPX pad side.

Drew Gorgey – Thank you. Are there any other questions on this site?

Commissioner Jankovsky – Come out of Porcupine Creek, in the existing easement there then you drop down a little bit to BLM land and then you get into the cedars across here, then you go down at the WPX pad there over on the right side.

Tom Fiore – That well pad that you see out there.

Commissioner Jankovsky – You'll be in those cedars all the way across the face of that.

Tom Fiore – Correct.

Commissioner Jankovsky – And then where you drop down, then you get back onto private land.

Tom Fiore – That well pad is like right here.

Commissioner Jankovsky – Well pads there so you go across a little further and then down. Alright.

Drew Gorgey – Any other questions for this site?

Dianne Boe – I guess I had a question; I was confused on the map that was handed out to us there's two dashed lines on it where it shows a red line that I think we've been following on all these sites. And then it shows a yellow line that we've been also kind of following and I just had a question about that. And about the timing of it, obviously it's says here this map also belongs to WPX and I take that they're not represented here today. I don't know why. But is that going to mean a few guys get 75, they get another 75 right next to it. By the drawing, that's what that looks like, so we would be looking at a 75-foot swath and another 75-foot swath through those cedars?

Chairman Martin – So the question is do you have two pathways or one and I think that's where you need to put it.

Phil Vaughn – Mr. Chairman I answered the question at the last location that we have the Kokopelli Phase Two pipeline as a single 16 inch natural gas pipeline that we are running. That's who we're representing here today. Water lines and items shown on that map; that's a BLM map and that's basically a WPX project on that aspect. We work for Williams and we're working on the 16-inch pipeline that's coming across and I cannot and will not represent what their position is on their project.

Drew Gorgey – Are there any other questions on this site.

Craig Boe - This is for the commissioners; are we going to have another meeting for the water line because it is the same exact route. They will take down the cedars in the same place; will there be another meeting before the water line, anything is done with that for public input?

Drew Gorgey – This is not an appropriate question for this site visit.

Scott Brynildson – You mentioned something over here on Porcupine Creek. What did you say it was something in the road there?

Tom Fiore – Said there was a park site right where the ETC pipeline is.

Scott Brynildson – What is it?

Tom Fiore – We're not privy to that information. There is something there, it's on BLM property and it's something there that the BLM is concerned about. So we've actually routed around it at their request.

Drew Gorgey – Any other questions about this site please?

Scott Brynildson – Is there a BLM, one of these people with BLM here?

Chairman Martin – No, we don't have a BLM representative at this present time.

Drew Gorgey – Commissioner Jankovsky question?

Commissioner Jankovsky – To tom Fiore; this is where you dropped; right here you drop out of the existing.

Tom Fiore – Yes, that's Porcupine Creek.

Commissioner Jankovsky – But when you go down you drop out of the existing easement.

Tom Fiore – Right.

Commissioner Jankovsky – And that would then be a new easement across here?

Tom Fiore – Right.

Drew Gorgey – Any other questions from commissioners, citizens or anyone at all?

Chairman Martin – Hearing none I will go ahead and terminate our site visit. You're free to leave at this time and all recordings will be available and introduced as part of the public record and this meeting is continued until 1:00 on Monday. That's this following Monday. Thank you.

Drew Gorgey – Thank you.

**d. Consider a request for a call-up to determine whether to uphold, modify, or reverse the Director's Determination of approval for the Kokopelli Phase II Pipeline, a Pipeline Development Plan Review for a 16-inch natural gas pipeline (PDPA 7056) starting at the Dry Hollow Compressor station south of Silt, CO and ends at the Bargath LLC Rulison Compressor Station located near the intersection of SH 6 & 24 and Anvil Points Road. Applicant is Bargath LLC - Molly Orkild-Larson**

[attachment Kokopelli Phase II application large file template](#)

[attachment Kokopelli Phase II Pipeline Directors Determination and Exhibits](#)

Carey - Only required notice is by publication and notice to adjacent property owners. It is the obligation of the county to provide notice in the call-up scenarios and she addressed staff regarding notification to adjacent property owners. Notification has been accomplished and they may proceed.

Chairman Martin - Swore in the speakers.

Molly read the exhibits into the record.

Chairman Martin put the exhibits into the records.

Molly gave a power point presentation.

Ray Sword with Garfield County road and bridge discussed conditions of approval numbers 17, 18, and 19.

Phil Vaughan - Appreciates and has coordinated with staff since November 2011. They agree with the directors determination and the additions added 16 through 18. Phil went over some exhibits and work they have done on this project.

Carey - Because this is a unique situation and they also had a site visit she wanted to remind everyone that what was shared at the site visit in terms of information and their opinion and testimony; although that was a noticed public meeting it was not the evidentiary portion of the hearing. They are now within the evidentiary portion of the hearing, now is the appropriate time to make comments they wanted to make while on the site visit for the record.

George Bower lives in Silt, Colorado and is a professional land surveyor. He understands there is a water and gas pipeline going in at the same time; but the water pipeline is not part of this discussion. It was to be constructed together and now it is revised and now it will be in two phases. He has a problem with that. He had three sets of pictures he gave to the board and then talked about each picture.

Chairman Martin marked Mr. Bower's pictures as exhibit Q.

Craig Boe feels the County Commissioners, BLM, and the Forest Service needs to work together to keep the new pipelines in existing corridors when possible on private land and the public land. It is important to remember that public land belongs to the public and the commissioners and the people working for BLM and the Forest Service were either elected or hired to use common sense decision making. It is common knowledge that the pipelines and well pads that are built in grassy, brush area will heal over time. Those built in cedar trees will leave scars that will never heal. He had a concern with the dust from County Road 329 with extensive truck traffic. He was disappointed on the site tour that the commissioners didn't get close to the massive Cedar trees which is one of the main concerns they had.

Commissioner Samson - When at their last stop on the site visit and looking at cedar hillside; is that BLM land?

Craig - Yes it is. They have talked about moving this higher on the hill so they wouldn't see it from the I-70 view shed.

Commissioner Samson - Do we have the right as the county to do what he is asking us to do?

Carey - You are looking at a master planning approach, which would require coordination. That is a bigger question than is simply before them with this application today. The task today is to look at the application and determine if it meets the standards of the code on those parcels of private land that it crosses. If it does not then they would have grounds to deny the application. If it does or can meet with conditions, the code mandates that approval be offered.

Commissioner Samson - So she is advising them they can only rule on this application and they cannot interject to have this built in a different area.

Carey - The only basis they would have to have it built somewhere else is that the sections on private land don't comply with the land use code.

Craig - As commissioners, they have to care about the scars in the county and they have to apply to their decisions.

Commissioner Samson - We do. The problem they have is they don't have jurisdiction and standing to make the BLM do what we would like them to do. If we take a situation and do what Craig wants them to do, he looks down the road and he can see a serious

lawsuit. A private gas company is going to say they did everything they asked them to do and now you're changing the rules.

Commissioner Jankovsky explained they could have been a cooperating agency on this pipeline. They did not. For them to address those scars on BLM land they should have been involved and they weren't.

Craig - As county commissioners, you have to work with BLM and Forest Service. The community likes the industry being here but the community is tired of tearing the land and trees up when not necessary.

Scott Brynildson - Craig is talking about one small area. There is an existing pipeline and that's all they are asking for. He asked if they received his letter from him and his wife and he read the letter.

Arnold Mackley - There is an appeals process; would they be willing to go through that as an interested party?

Commissioner Samson - Tom made the point we didn't get involved. Is that a remedy?

Chairman Martin - There is a federal appeals process based upon their standing as a government and the project itself and landowner adjacent. You file an appeal and see if they will accept and it is a long process

Arnold wanted to talk about Exhibit N, which is a map. There is no way they will hide the scar.

Carey asked Arnold on the one-piece sheet of paper he provided regarding the Department of Interior appeal process, did he want that as part of the public record and he replied yes.

Chairman Martin - That was a submittal and they will accept that as Exhibit R.

Chip Allen - He is further down on 319, which is west Mamm Creek. His family has a cabin just south of the proposed line on Spruce Creek. The point he wants to make is that they want to keep this on the private sector, which is all the board can vote on. He has an existing pipeline, which runs through his property. He was never contacted by Williams to ask if they had permission to come through his property. He would much rather give up 25 feet of his own land than 75 feet of everybody's land. He feels this is crazy; what are they doing? No one contacted him ever. They all know where his land is, they have maps and all their names. If they really wanted to be stewards of this country and this community, they would contact the owners before going to BLM. They need to come to them and pay them for what it is worth instead of raping and pillaging all the way around them. Get involved with the local people. They just divide and conquer and the board knows this. They are breaking this country up; tearing up all the land. He thinks they could have at least come to them and say, hey what's it going to cost to go through your land and take another 25 feet and widen the scar a little wider in one area than to make a huge scar in another location. He doesn't have a whole lot of faith in the county right now if they can't get this done. Commissioner Jankovsky asked where he was on Mamm Creek and Chip replied on Cedar Springs Ranch Road. Chip asked the board if they thought they should have contacted the people who were already on the existing pipeline.

Chairman Martin - If the pipeline was going through there it depends; that's a business transaction they don't get involved in.

Chip - No, but that's a private call.

Chairman Martin - That's up to the company to negotiate with private owners.



Chip - why are they taking all of this; they can come to them but they don't. They don't want to get into this with the landowners; it's too easy to go to the BLM and Forest. They don't want any new ones.

Chairman Martin - They have listed all the property owners they are going across on their application. They have notified and have agreements and access permits in place right now. That's a requirement.

Chip - There's an existing pipeline there that runs right through him that they could have taken only 25 more feet. That's what they said earlier; they could have taken only 25 more feet and overlapped it instead of destroying another 75. He begs the board to please shut this down.

Rick Rolls had a question for Williams; last year they contacted them for a rapture survey and they were there only an hour. He is sure they didn't count all the hawks, black eagles etc. he is sure nothing was counted. The other question is, in their map they show it going across west Mamm Creek it goes right through one of his water structures from 1888. He hasn't been contacted about that at all and has contacted them several times. It also crosses his other water structure that Enterprise gets; this involves both his sources of irrigation. He has made many phone calls to Kathy Horn who is the person who contacted him. He is a little concerned because the pipeline where the survey stakes are don't match the map and it goes right through his TP water structure. That structure is hard to hold in the creek. At times, it will wash out 30 foot deep and 50 foot across. He wants them to tell him, is it his liability to protect their damn pipeline or is it their liability to protect his water structure. I've been there for 120 some years; that water structure. What's up with that? Does the county make them contact me or should they have already done it because they haven't done anything. They sent the last letter and they know from last year when he was contacted on the rapture survey that he's the only authorized agent for his father and his brother who owned the property. But when the last round of letters were sent, they were sent to his dad down in Grand Junction, nothing to his Uncle in Idaho. His dad is 86 years old and his brother is 85; do they think they need to drive up here for this damn meeting? We need to get some shit straightened out. Pardon my language. Thank you for your time. Travis Casey is an adjoining landowner to the proposed pipeline. He knows there is a lot of infrastructure in the county and a lot of pipelines in the county. It's all for a good thing. His concern is he understands that Williams is now a transportation company. He just wanted to point out to the public and to the board that there are other third party gathering companies' out there that can move that gas. It may not be at the expense; there's other issues there too but there's options out there to where these pipelines shouldn't have to go in when there's other options for example. The location they were all at Friday on 329 Road, they were sitting right on an ETC pipeline corridor and a Williams's pipeline corridor. If they were to continue that east towards Porcupine Creek, they would be staying on their existing pipeline corridor into Porcupine Creek and out and above. The question really is we all know there are a lot of infrastructure of pipelines and gathering and what not but they all need to keep in mind that what pipeline is there they need to ask themselves will it move any other future or will it not is the future gas line really necessary.

Rick Rolls - The TP structure is actually right on the edge of the BLM and the pipeline, he guesses, comes through the BLM where it intersects; as he had to explain to the

BLM in the last two years when they tried to force him into paying rent for his irrigation ditch, he has had eminent domain since it was adjudicated in 1888. He owns it; they don't need a damn permit for their irrigation ditch. That was the very first thing enacted by the state legislature in 1872 gave the water user eminent domain. The minute the ditch was put to use, he owns it easement and all and yet they are putting a pipeline right through easement and his structure without ever saying anything. That would be 67, 70 years before there ever was a BLM. They owned it outright.

Chairman Martin - The Department of Interior is the oldest department in the United States in reference to the land office and that was changed from the land office to BLM. It was there, the patents were issued through that signed by the Presidents of the United States at the opening up of the west in the Louisiana Purchase and after that. So they've been around a long time and also there are other rules that have taken place not just by the BLM but also...

Rick Rolls - Not on irrigation ditches from 1888; those still remain the same. He proved that to the BLM two years ago.

Chairman Martin - And the rule changed...

Rick Rolls - And they went away.

Chairman Martin - The rules changed in December of last year in reference to the Army Core of Engineers and the change in definition of waters of the US. He suggested Rick do a little more research...

Rick Rolls - It's not retroactive sir.

Chairman Martin - Yes it is.

Rick Rolls - No, if that was true the water commissioner and the water engineer would have contacted him and they haven't. Hell they fought with him against the BLM.

Chairman Martin - That is an issue that is still ongoing and still challengeable because it's a rule change, not a law change.

Rick Rolls - That's right; we're adjudicated in according to the law.

Chairman Martin - Colorado not US.

Rick Rolls - US, he has a 404 Federal permit also.

Dick Arnold - He doesn't own property on the south side of the river. He lives on Silt Mesa and he sees the scars and the cutting from his back yard, sitting on his patio of everything that goes on Divide Creek, Dry Hollow, east divide, west divide and he can even see the area the Mackley's and the Boe's are talking about from his place. He lived in Rifle for 48 years and he lives here by choice because of the mountains. He has one question for Williams, he knows Phil Vaughan will probably still be here, but how many of them will be here in 10, 15 or 20 years looking at the scars they are making?

Diana Boe is quite distressed since she learned of the Williams's pipeline and water line they want to put through the last section of the 300-year-old magnificent cedar tree forest between Porcupine Creek and Spruce Creek. However, she has also been more confused than distressed since Williams became WPX or vice versa than Williams's gas pipeline became Bargath Gas on the maps and then WPX still wanted a water line. So they could almost use the same route, which might be fine except that none of the companies will talk to each other or about their part in the shared project. It makes it hard to ask questions and get answers. She feels this might have been when the county, when the IES slipped by them. They didn't know who to talk to, who to contact

they got a business card from this one and business card from that one and a business card from that one and they are not quite sure where to direct their questions. Then when you do ask a question we're not gonna talk about that. Also making it strange is in one meeting they talked to Brian Hotard of WPX and in the next meeting they talked to Sandy Hotard of Williams, yet when they try to get any information on status, placement and most importantly timelines they get I don't know and we discuss that regarding them. But they know them; they know each other. It seems to here the two companies are separate when it convenient for them to be, but when it behooves them to be together they are. Such as getting the water line in first to be a permit placeholder in the gas pipeline. Why do these two companies share things when they don't reach out to EnCana or other pipeline companies and want to share? She wonders now sitting here this afternoon that doesn't this negate the whole idea of having this hearing on the approval of a gas pipeline if the water pipeline, using the same path at least between Porcupine Creek and Spruce Creek is allowed to go in first. They were just wondering when is the WPX water pipeline hearing. She thinks that everyone who took the time to go on the site visit would have found it really helpful if WPX was there along with the BLM. As they were using a BLM map with a Bargth name on it and it showed WPX's pipe/water line and yet they couldn't ask any questions about them. That was confusing to her. She thinks as they talk about this over and over and over again; this is a little bit like the chicken and the egg. We're trying to figure out what's happening first. Is the water line happening first or is the pipeline? They were told by WPX that the water line is going in no matter what. They have a letter from WPX Energy dated April 18th that says; Dear Neighbors, Also WPX Energy will begin construction of two 4.7-mile long water lines on BLM lands from Beaver Creek to Spruce Creek this summer. She is not aware anything has been approved yet, but they sent this out propaganda to landowners and find it quite confusing on who you want to ask a question to. Then they were told by Bargath the gas pipeline was already in the Beaver Creek and this was the last leg. They then were told by the BLM that the gas pipeline is on hold until years from now when the gas prices go up. Then they were told by WPX that they might never drill the two pads in the middle of cedars on the BLM lands in section three. What she is really hearing is no one is telling the same story. They have tried as a community and a family to get together and find out this information and it is all so conflicting that it's hard to even put together a presentation for the board and sound like they are making sense. She understands why they missed the IES. She is asking the board to ask these companies some definitive questions and demand some definitive answers and ask for independent proof from experts to contradict what they claim. Why take the chance of destroying and scaring these lands for just a water line? She thinks the major consensus is they would take water trucks over that any day. She wanted to go back to the timing of the project not just when this will happen seasonally but when it will happen. Does it make sense to let them put in a water line in now, that's a 55 foot swath they say this summer as per the letter she just read. And then come back years later to put in a pipeline; these are their own words 2013 at the earliest. So they will suffer again to put in a pipeline. Then come back again and build roads through there and then build one pad and drill it and then come back who knows when and drill another pad. That's what they've been told the schedule is except that WPX has admitted to them several times they might never drill

those well pads in section three. But it's a nice pathway to allow for Williams to cross that section of the BLM and keep going because you can get a water line in. Which is one of the main arguments for WPX, if they were here they would say we've got two pads that we'd like to put in section three and therefore they need a water line and they need a pipeline. But a crucial fact regarding this and it's also on the trifold map they handed out and she has several of them and it's part of the record. There's an arrow on the bottom of that trifold map and that's pointing to a well pad that Williams, SR29 that Williams WPX now just had to reclaim. They just put in a well pad, it sat there vacant, and the BLM made them reclaim it. So here, they are asking for more new toys and they haven't even put away their old ones. It was really sad because you go by that pad and she realizes it's BLM but it's still a scar in Garfield County and honestly that pad was big enough for a Bed Bath and Beyond and a Target and those trees are just gone. And they just reclaimed it; they didn't even drill it so they didn't get any minerals even as the Federal Government and citizens of the community. It was like woops oh I guess we'll just put that back. These are the kinds of decisions that are being made and she feels without a lot of fore thought. She wanted to apologize sincerely if she seems frustrated; it's not usually a part of her personality unless she is talking about these sort of things. It seems like the process is backwards. WPX is going to tell them that they already have their frac pit installed. They've put a culvert under the county road and have made other investments for this water line. She doesn't think that should bear any weight on their decisions. They will say that Williams and Bargth has spent too much money on surveys and other studies and this has been going on since November 2011 and they need to have this pipeline approved the way it is with no changes at all. They will tell you it cost more to put their pipeline in the ETC corridor but by their own figures, they provided to them, and she doesn't know the names, the number of the documents but one is Exhibit I that Phil mentioned earlier that says it cost \$1.5 million more. Somewhere else, it says \$2.5 million more. They are off by a million dollars so when they say it's gonna cost more to do something right she doesn't know how in two different documents it lists two different figures. She also feels that just because it might cost more that money should not bear any weight on their decision either. She thinks what should bear weight on their decision is the Google earth maps that truly shows what your county looks like from space. Not a cartoon map, not this one they were given the other day. Google maps show it pretty clearly of what our county looks like. She thinks they will all agree that the oil and gas in this county has had plenty of opportunities to make themselves money and that's what those scars mean to them is money. She asks them, there's a difference if they look at their maps and she will submit them into evidence if they are willing to take that and again this is Google maps, this is public information. If you Google map to 1993 you can see there is nothing in this area. Once again on closer inspection you will recognize the little horseshoe and the Colorado River and it's the area that it is. Flash forward now to the same Google maps of 2011; that's what our county is starting to look like. She asks them if they don't do something now, what will the county look like by the year 2020. She was raised to believe in and support the energy industry. In fact, she wouldn't have been born if it wasn't for the energy industry. It means jobs, it means good jobs and it means resources being developed. It means infrastructure gets paid for by the industry, it helps out the schools, the tax bases and of course the football teams. She still believes

in it. She wants Williams to have their gas pipeline. She wants WPX to have their water line. She is not standing here saying the board has to flat out say no. She is asking them to look at a map of their county and ask them if any of these scars can be avoided. She believes this one definitely can. Make them talk to their energy colleagues and partner up to use existing corridors, not create another scar that can be seen from the I-70 corridor. On the site tour it was actually stopped at number four at Cash Creek, they all looked at that obvious pipeline scar and she asked how wide it was. But she didn't get an answer. But she has one for them now and it measures a conservative 84 feet. She thinks that is a lot for one 16" pipeline. Then on the site tour site number 5 at the bottom of Meads Hill, the same huge pipeline was indiscernible on the mountain. This is what it is going to look like after the pipeline. She realizes it is BLM but it's still the county. Why then would it make sense to allow a new pipeline to scar the face of this rugged drainage filled mountain in a terrain that will never heal? They'll tell you that you won't see it and that they'll do things to hid it but she will never believe it. One of the last time that she spoke publically at oil and gas hearing was when they were pleading; in fact she was probably crying with Williams to please drill directionally and stop scaring the same lands by putting a surface pad at every 20-acres plus pipeline, plus roads. They said it would break them if they drilled directional. They said it was too expensive, impossible. They said they would leave the area and go someplace else. Now they drill directional in their sleep. Sometimes up to 23 times off of one pad. What if we would have believed them then? What would this area of Garfield County look like if they would have believed them. What if they were directional drilling 23 times now? At all, or ever. Make them take the time; there's no real rush. Again, she asks the board sincerely to look into this appeals process; there's no real rush. They admit gas prices are down. We have an e-mail saying that there's no hurry to do this gas pipeline. There's no hurry to do the water pipeline because they are okay with the trucks. They will actually probably tell you that if they have to get the water line in to get those two pads in section three on the BLM, just like it happened before with the directional drilling. She bets technology will catch up to them and they will be able to reach all those bottom holes that Savage said use me, use my infrastructure, and use my roads. If there is creativity and truly, if there is this community county; they can all work together. They are not saying they don't want them to have their pipeline. This is something that we have to start to think about as a county and try to correct before it's too late. She guesses like the rest of the residents in Garfield County where you think about each one of them gets to put in their own pipeline; it's kind of like an interstate highway. So how would that be if each resident was like I'd like my own highway; I don't really want to share with anybody and I myself would like a little turn off there right outside of Webster Hill and I could just kind of bump up to the ranch. If everybody asked for their own road and their own highway in this county, it would look like a disaster and that's exactly what they are doing. You know some of the roads out there in the county better than she does; they have to use them whether they really like them or not. But this is important because someday oil and gas will be gone. Little Garfield County will finally be drilled out and if we let each and every one of these gas companies create new roads and pipelines and water lines to only be used for themselves and nobody else and we're not gonna add on and share and get close to anybody what will Garfield County look like? What economy will we have to

offer? She can venture to guess with all of the scars it's not gonna be tourism and hunting. As any place in the western part of Garfield County is gonna be destroyed. There won't be wildlife for people who want to hang out there. Personally, she never really felt like she would be the one upon whose shoulder she would want a big decision to be made and she would have to make it. But this one is really clear to her because everyone can come out a winner. Williams and Bargath get their pipeline to make them money forever more; it just has to be in a corridor. WPX gets their water line to save them money forever more. It just has to be in a corridor. WPX can drill out the sensitive BLM acreage from existing pads and roadways and again Roy Savage has already offered this, bent over backwards to try to work with them. And if they don't think they can do that because, oh if they don't think they can reach all of their bottom holes, she is willing to bet that just like they couldn't go directional years ago and it will break them, then time, technology is going to improve so they will be able to drill out an entire section probably from one pad. She doesn't think they are too far away from that. Therefore, WPX gets their gas. But of utmost importance, this last section of 300-year-old cedar trees gets to live on. And that's as close when you think about that last paragraph; if they did that in Garfield County that's as close to world peace as you're gonna get. You have landowners saying go off of me, save everything, save the county's, save the scars, give the people the jobs. Get the gas, get the mineral, get the royalty, and get the money, everybody's a winner. The oil and gas companies will still be able to get what they want. They have their minerals and the dollars and we get what we want; which is being able to look at a mountain for generations to come knowing they saved it from a senseless scar that will never heal. She likes knowing that might be their legacy. As you as county commissioners, you just said earlier you're the only county that does something different. Maybe this is a chance here to be the only county to do something different as far as dealing with the scars that happen on BLM land. It is your county and we trust you with it. She hopes at this point in time they will be able to say yes to Williams by keeping them in a corridor but by saying no by continuing to scar the private lands. Again, she asks them to please seriously think about the appeals process.

Phil Vaughan - They feel their pipeline application for the 16" natural gas pipeline that's depicted on the information above them and in these three documents is unambiguous. This is detailed on full sheets of alignment sheets, surveys, studies, details by scientists and engineers preparing a comprehensive pipeline application that meets or exceeds article 9 of the Garfield County Unified Land Use Resolution of 2008. They feel the staff report as noted earlier that they agree with the conditions that are set forth. They as well agree with the condition that is set forth in regards to re-vegetation. They heard testimony today from the public about why are there pipeline rights-of-way that are not re-vegetated. He doesn't know the answer to that question. He does know that there's a \$365,000.00 plus security that will be held on this in a bond until that re-vegetation is complete. Garfield County is not sitting here in a position of being at risk. There will be a bond available for that. In regards to the issues brought up about the BLM, again he will note Garfield County has the ability to regulate these pipelines on private property not on Federal property. Please know the location of this pipeline was not done in a wily nily fashion. Private property owners on each one of these private properties that you see and are incorporated in on the full agreements here were negotiated with. This

wasn't a process of steam rolling anyone. This wasn't a process of holding guns to anyone's head. These were two parties agreeing upon where pipelines are going to be located. The private property owners make those decisions. If they wanted it run over on the edge of a field or up against a fence line, or wherever it was those private property owners were coordinated with and the easements were set in place along those lines. Last time he checked private property owners own that property and they own what's on that property. They get to make those decisions. Their neighbors don't get to make those decisions. He thinks that is an important question about how pipelines are regulated in Garfield County. They feel they have met and exceeded the ULUR requirements that have been set forth by the county and they would again request that the Garfield County Commissioners uphold the director's determination with all the conditions set forth by staff.

Commissioner Jankovsky - The \$1.5 million dollars to go up on to Savage property is that actual costs that would have to be paid to the property owner and also cost for transmission for that gas across that property. What does that \$1.5 million represent?

Phil - The \$1.5 million dollars, Exhibit I third paragraph; during the course of this investigation, we determined this proposed reroute will require additional right-of-way that will cost approximately \$1.5 million dollars and additional studies, engineering and right-of-way costs. The project team has determined this project cost is cost prohibited for the project. So yes, that's not only right-of-way but that also would be the additional studies and the like. There is no discrepancy in that, Exhibit I says what Exhibit I says.

Commissioner Jankovsky - There were questions out there about when they would be starting construction on this pipeline. Do you have an answer, once you get approvals are you going to start immediately or are you just looking for approvals with construction sometime in the future?

Phil - They have set forth obviously the approval process with construction starting in the future. He doesn't know what date it would occur. He would imagine, through conversations with Tom that it will not occur in 2012 as they saw from their original scheduling they set forth in the application they anticipated being able to start earlier this year and complete this year. With the calendar, being what it is they will not be able to complete construction starting complete this year.

Commissioner Samson - It's a bad case. He asked Phil to enlighten him with his conversations with Mr. Savage.

Phil was not involved with the conversations with Roy Savage. He is not a land man for Williams and no. He doesn't know whether that was with John Savage or with Roy Savage, he has not had a conversation with either one of them about the project.

Commissioner Samson stated he was going to make a supposition here; he is going to suppose that you can understand the frustration of these people in dealing with the multiplicity of different companies. In doing that they feel as though, we'll say your company and the one you represent right now, have not been perhaps as forthcoming in working with their concerns. Specifically they would like for the people that Phil represents to try to work with other people. Example, Roy Savage's name has been used many times to elevate the problem. Would he be willing to do so? Would he be willing to go to him, see if this could be worked out?

Phil - Commissioner in Exhibit I William's landsman went to John Savage as recommended by the Mackley's and the Boe's after their meeting in February and then

as you will see Phil issued Exhibit I out in a March letter indicating those conservations were had, here were the additional costs and that route was not feasible because of the costs that were set forth. So, yes sir that has occurred. The Roy Savage issue, bear in mind is at Exhibit L, which again is WPX Energy, this application is the Williams application. WPX Energy is working on water lines and drilling pads and the like. They are two separate operations; they are two separate companies, they are traded separately on the stock market and have been for a long time. The conversations have occurred with the Savages in regards to this particular reroute; he issued the letter on March 2nd after project management said this is an unattainable cost for this job. This is the proposal they have for the board today after those conversations. They held their application up in excess of a month to work through these issues, so yes they have taken time and the energy necessary, they think to find an alternative.

Commissioner Samson - The hang up seems to be Roy Savage versus John Savage. Can anyone in the room answer him; are they talking about two different parcels of land?

Arnold Mackley - They've had several different conversations with Roy Savage in fact he said he was going to be here today but he didn't come. He's had several discussions with WPX and the gas pipeline people and he said he has agreed with each one of them that he would work with them on the right-of-way.

Commissioner Samson - Is Roy Savages land different than John's?

Arnold Mackley - No, John generally works as the attorney for the family and Roy is the manager of the Savage lands.

Commissioner Samson - Seems like there is a disconnect then.

Arnold Mackley - No, they have talked to John and Roy has also talked with them.

Phil - Again in the month of February Williams spent time and coordination with the Savages for a reroute. Exhibit I is exactly the communication that occurred and then asked Molly to take the project off of hold and move forward. This is the proposal they have up before the board and they feel they have done their level best on trying to get this job done and in the fashion, it needs to be done. They have negotiated with each private property owner to coordinate with this process for Garfield County and as they know have worked through any environmental assessment process through the BLM and the US Forest Service as well.

Commissioner Samson - As I look at this appeals process here, I guess I don't know who was the first to bring it up but as I read it here it says number one notice of appeal, a person who wishes to appeal to the interior board of land appeals. Could that not be an individual or a group of individuals? It does not have to be the county.

Chairman Martin - No. The county could...

Commissioner Samson - I guess I'm asking; who brought this?

Arnold Mackley - It was in a packet from the BLM; we received this at 11:21 a.m. from Jim Byers of the BLM and was part of the packet. It was a 200 page from the BLM.

Commissioner Samson - It appears to him they as individuals could do that.

Arnold Mackley - That is independent of the board's decision today.

Commissioner Samson - Sometimes individuals are not allowed to appeal and they must go through a government agency; that's the reason he asked that question.

Arnold Mackley - I think what we are hoping is that you guys, we've got a serious problem in this county of all these pipeline corridors and there's been much testimony



today every company out there wants their own separate corridor. We as a county have to get together and bring the BLM into the loop to make sure that we don't destroy any more lands than they possibly have to. They know that some of the trees have to go but this isn't one of those cases when you have a self-right above this one that Roy Savage will work with them on and a little bit further up a corridor that has a Williams's pipeline in it.

Chairman Martin - That works sometimes when they're willing to work with us and when they're not.

Commissioner Samson - I would ask you in all sincerity; here's our dilemma, this company has come to us and according to our rules and regulations it's been determined they did what they needed to do to do what they wanted to do. If we don't approve this, what is our recourse?

Chairman Martin - You need to form a foundation for denial.

Carey - There are multiple ways to answer his question. She wanted to start with the perimeters for their decision making today. They are bound to apply the code as it is presently written to the single application that is before them right now. They have heard questions and concerns regarding a water pipeline that is not a component of this application and it is not before them today. There is also no mechanism under their Article 9 pipeline regulations to consider that pipeline as part of this project. They are limited to applying the code to this single project. She knows they are looking to her for legal options. She can talk about things that are outside of this application. She can talk about methods of revising their current regulations that could better address some of the concerns they have heard today. They could include regulations that require coordination among companies. They could require that pipelines go through a limited impact review or a major impact review rather than an administrative review so that every pipeline permit that comes before them would be heard by this board; but those are all outside of the bounds of the decision they have to make today. She can point to other options that they are already exploring. The coordination process, the resolution that they passed this morning is a good example of finding ways to force the BLM to work with them. Asking your director of building and planning with coming up with a master plan for energy. These are all methods of getting at some of the concerns they have heard today. But again, these are outside the perimeters of what they are tasked with right now. And what they are tasked with right now is determining whether they have heard sufficient evidence from the applicant, whether they have heard sufficient evidence from the public today to say that this application meets the requirements set forth in section 9-104 of their land use code. If based upon the evidence they find that they have met these requirements then approval is the appropriate course of action. If you find they have not been met based upon testimonial or other evidence presented then you are not required to approve it. Your burden today is to weigh the evidence specific to these criteria. Beyond that, she could offer them little comfort with this particular application.

Commissioner Samson - Well there's nothing in there that offers any recourse along the lines of the welfare of the county? If I take the view as a commissioner that the people of the county have elected him to safeguard certain things; that has no standing in this case?

Carey - You would have to look at the specific standards. You would have to look to determine whether there's a need for the proposed action. Whether the regulatory permit, the other regulatory permits that are required have been received or can be achieved. You have to look at whether a sensitive area, those areas are properly mitigated and are properly dealt with. You have to look at whether the re-vegetation plan is sufficiently bonded and is complete in and of itself. These are the nitty gritty details that you have to look at. There is no catch all general welfare provision in Article 9.

Scott Brynildson thinks Rick Rolls gave them a way out, as his water situation has not been settled. Until that is settled, he thinks that is proper evidence to say no. They also want the commissioners to realize that

WPX who said they and Williams are no longer in bed together; WPX does own a lot of the private land this pipeline is going through.

Phil Vaughan - In regards to the issue about water issues not being settled and that being proper evidence; he wants to note that again is on BLM. It is a BLM issue that they are having a discussion about. Yes WPX is one of the private property owners; there are executed agreements between the two parties and at no time has he said that companies aren't talking with each other, aren't getting along with each other, and he certainly does not appreciate the connotation about speaking out of both sides of his mouth. That is not what the public hearing ought to incorporate.

Commissioner Jankovsky - Will you guys be boring under those or will you be going across those ditches?

Phil - In regards to, you will see in their typical alignment sheets and details, what happens around any irrigation ditch whether it's Federal, private etc. there's a fluming detail that's in the standard construction techniques in order to flume ditches across and then to excavate underneath so that the delivery of irrigation water occurs regularly. He will let them know on Kokopelli phase I the original part of this pipeline starting at Jolley Mesa and coming over to the Dry Holly compressor station, during that course there were crossings of eight or nine major irrigation ditches and so this is not new news to them and certainly not new news to their standard construction details for crossing irrigation waterways.

Commissioner Jankovsky - Where's the transmission lines now from that compressor station, they must run a different route because you're still transmitting gas.

Phil - Yes, phase I of the Kokopelli gathering pipeline is what that project was called. It starts at the Jolley Mesa, Dry Hollow compressor station and then the small P4E connector they were shown just west of the Dry Hollow compressor station at that point goes into the EnCana P4E connector. Yes, there is gas flowing across Phase I.

Commissioner Samson - So that's to get a Williams pipeline across to...

Phil - Yes, this will effectively connect from Jolley Mesa all the way to the high-pressure connector near Rulison compressor station.

Arnold Mackley - In contradiction to Mr. Vaughan's testimony when Williams, the ETC put the pipeline through Cashe Creek, they annihilated without contacting any of the owners. They dug right through the Anderson Ditch and the Hummingbird Ditch. They tried to flume them; that didn't work so they lost irrigation water for a period of time because they couldn't get water to run uphill. Let's get the truth out here and what

happened out in the field. They got rather upset with them and they did jump right on it. They dug a track hose right through their ditches; 100 year old ditches. It does happen

Commissioner Samson - It's time to close the public hearing, I so move.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Samson - I look out in the audience and there's a lot of my friends, I've known them all of my life and I just don't like this. But I've been elected to make the decision and so the three of us will make the decision. That's the way it will be. I wish people could work together more. I wish there couldn't be so much strife; but that's life. I was really moved, I don't know how you two felt but I was really moved by Diane Boe's words and what she had to say about living here and the land. There's a lot to that. It's my district. I really appreciate what she had to say about she is not against gas companies. There are some people in our county who are truly against and anything we do is going to be wrong. They perceive it that we favor them and so on and so forth. I think one thing that we need to do, and we are working on an energy master plan and I think we really need to speed that up and go forward with that. One thing we need to do is possibly communicate to the gas companies as best we can that they really do need to coordinate that for the sake of this county. If you do look at some of these maps of these places, there's crisscrossing and dissecting things. I don't think that's necessary; I don't think it's necessary that has to be done so much. I think we need to think of the future. There needs to be coordination between the companies to make this work. We haven't had that. I think the three of us need to take a leadership role there and encourage and do all we can to encourage them to do that.

Commissioner Jankovsky - We're going to have, on private land this does meet the requirements and we're going, well at least this commissioner is going to vote to approve that. I've been dealing with the BLM on oil shale, major EIS, sage grouse, resource management plan, major EIS and I got this and saw this and we didn't say we wanted to be a cooperating agency on this EA. I apologize for that because if we would have been we could have gotten the landowners voices heard. Not everyone but the majority of this group are oil and gas people in way or another you're getting royalties, you've worked in the industry, you surveyed for them and so you're not against oil and gas by any means. You're actually in favor of it. I understand when you've lived some place for 70 years and you see a scar across and those cedars are ancient and you know it will take another 100 years to come back it's like a scar on your heart. I'm also going to come back and talk to the commissioners about an appeal to the BLM and I don't know if that's an appeal against the pipeline but it's an appeal to look at the view shed and have the county at least make an appeal as the county and see where that goes to at least give you more of a voice. This commissioner is going to have to approve the ULUR requirements on private land. But I hear you and this is the second time this has come up with a group of people in western Colorado who are pro oil and gas. We heard from the landowners in Wallace Creek, Spring Creek where there are more pipelines than you guys are dealing with and more compressor stations and they

had many of the same concerns. I believe I'm going to make a resolution here at some point to approve this on private land.

Chairman Martin - It falls short of the overall project as a full scope of what we really are up against. And does it really protect our view-shed corridor? Does it affect the overall value of Garfield County's land use etc. and probably the answer is no it does not. Is there another route? Most likely. Does the BLM and the Forest Service always confer with Garfield County? No! Do they want to? No! Do they have rules and regulations that they have to enforce? Yes! Is there a process this applicant had to go through that was painful? Very much so on two different levels, Federal and also county. Did we hear everybody? Probably not, I think there are more people out there that have an opinion either pro or anti on this particular one. We had a gentleman that did an application that knows the code inside and out and helped write that code. Did a very good job for the company and the applicant. Is there more to it? Yeah! I'm looking at these guys, know everyone of them. I know that they're all good honest people; they have a job to do. They have their personal feelings and they also have their business feelings. They have to go forward and make decisions and that's what they've done. We set the rules and regulations in place. But I don't think it's a complete project. I think we're looking at a segment of a project. And that is not the applicants fault; it's the systems fault. It's all of our fault. It's the planning and zoning's fault. It's because we didn't take an overall view of the entire types of projects and our master plan, even though we've been talking about it and I've been trying to get it done. It still involves citizens, companies, governments and coordination with everything. We've also put in our rules and regulations, or at least our wish list. Just exactly what you guys are saying; coordination and cooperation and also utilizing everything in infrastructure that you can as a cooperative. Unfortunately, there are business issues along with that. Some people, just like you talked about, I want a pipeline. We've seen a lot of suits in reference to pipelines trying to consolidate. A mineral owner wants to charge other mineral owners for using their pipeline that goes across their property. We've seen that before. We've seen pipeline being refused in rights-of-way because they couldn't secure the final private property owner because of that very issue. Input, it is an input fee that you put other gas into a certain pipeline. Those mineral right owners they charge them. That's a business transaction. That's something that you don't see in cooperation. All the other business aspects that go along with that the royalties don't want to be mixed. They want to be independent. Somehow, we have to find the solution. This is an opportunity; it was an opportunity before. It didn't work out. Did we try hard enough? I don't know. We're looking at rules regulations and how it applies on paper. We know that the impact is going to be great. We know it's going to leave a scar if we say yes. We know it's going to leave a scar somewhere else, it may not be visible but there will be a scar underneath the surface. As they say in the old country westerns song, I've been cut by wire and words and both have cut me deep. That's exactly what we've got going right here. I don't know where we're going to find the wisdom but we're going to try. So if I take a motion I'll let you know where my vote is at the very end. And Sandy's already studied the body language so she already knows.

Commissioner Jankovsky - I'll make a motion that we approve the directors determination of approval for the Kokopelli Phase II pipeline, a pipeline development

plan review for 16" natural gas pipeline starting at Dry Hollow compressor station south of Silt and ends at the Bargath LLC Rulison compressor station. We approve the 14 miles that are on private land and the applicant has met the necessary ULUR code requirements and we do that with conditions number 1 through 16 as provided and we add conditions number 17 through 19 as were provided by Molly Larkin.

Commissioner Samson - I'll second it then I want to discuss it a little bit more. I don't know that I can argue the point that Commissioner Jankovsky makes about the requirements been made in the ULUR. But I still have hope that people can come together, work this out there can be an alternate route. And if perhaps we can do something now to make sure that it doesn't go forward and perhaps put a little more pressure on the parties involved to do so, so that in a reasonable amount of time we can all come back together and say we can work this out, we can work together and this will work for the benefit of everybody. That is my hope. I just don't know that it's the best thing for Garfield County. I want to apologize along with my two counterparts here, somehow we dropped the ball and hopefully we'll do a better job in the future of trying to work with the BLM and the Forest Service to make sure that we don't have to face this it's...I gotta tell ya it's really really difficult working with the Federal government.

Whether it's the sage grouse, whether it's the Department of the Interior and cutting down acreage for the development and research of oil shale or so many other it's difficult to work with them. But I won't give up, I will continue to try my best to work with them so that Garfield County will be a place we can all be proud of and continue to be proud of.

Chairman Martin - Before we call the question I'd like to say to Phil thank you very much for an application. It's very complete and very thoughtful. It followed all the rules and regulations and you did very well with it. Thank you very much. To the other applicants thank you for your input, thank you for your cooperation, thank you for the research and being open and honest during all questions. And to the citizens I hear you loud and clear. I know what you're up against; I know what I'm up against. Scott I don't yield to political pressure. I make the decisions based upon facts and what is best for the county and the citizens that are affected. That's where I'm gonna stand and we can call the question.

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	FAILED
Tom Jankovsky	Mike Samson	

Chairman Martin - I find that it is not in the best interest, that it is not fair to the applicant knowing that there's going to be an appeal and possibly by the county at least in that area. I think that we need to have a fair and open honest discussion and that we find solutions. I think the foundation was laid in reference to not being in the best interest for all those that are affected and it falls short of the entire plan itself on this project. I think it does injustice to the applicant by having to put them through two different types of hearings and two different audiences with two different sets of rules and regulations that are in process. I think that we should be open to assist the applicant in finding a solution. We should also work with our property owners and have them live up to their word and find that and to work with the companies. It's a very difficult decision because

I think that the pipeline is needed. And I think that the Federal minerals and the develop of Federal minerals on the Federal land is what's really at stake here. And I think that that is part of the picture that people can't talk about. Mr. Samson I need a motion if you have another motion because this is still open based upon that vote. It is not to be approved with the conditions that was put down. Do you have another motion?

A motion was made to Commissioner Samson - I would move that we deny the request to determine whether to uphold, modify or reverse the director's determination of an approval for the Kokopelli Phase II pipeline. A pipeline development plan for a 16" natural gas pipeline starting at Dry Hollow compressor station south of Silt, Colorado and ends at Bargath LLC Rulison compressor station located near the intersection of state highway 6 & 24 Anvil Points Road. Reason being in my mind twofold; I do not think this is the best thing at this time in the interest of the citizens of Garfield County. Point number two I believe there could be a compromise worked out that would be the best for the future of all involved. And point three I think we need to use our influence as the Board of County Commissioners to avail that as best we can and in the future have our influence to perhaps have all companies work together for future pipelines. Commissioner Jankovsky - And that's one motion?

Commissioner Samson - Yeah.

Chairman Martin - Wow; that's not a motion that's a whole statement. Motion is denied based upon three different points you have brought up. Am I correct in assuming that? Commissioner Samson shook his head yes.

Chairman Martin - Do I have a second to that?

Commissioner Jankovsky - I don't agree with the motion but I will second it and up for discussion. And I believe as a county commissioner it's my duty to follow the rules and regulations of the county and I believe this applicant has met all those rules and regulations on private land. I agree with maybe the outrage that's being expressed about the scar and the loss of trees; but that's on BLM land and it's not our jurisdiction. I will say that when we are dealing with the BLM on vast amounts of land in western Colorado much of it is badlands, sage lands, lands that people never see and BLM is trying to make those lands with wilderness characteristics; but then they turn around and they don't take into consideration a view shed and an ancient hillside. I question that but this is not our, other than to go through this appeal process, I don't feel it's our, it's outside of our scope of our duties I guess.

Commissioner Samson - I don't want to argue with ya because I agree with you in many ways commissioner. I guess I see a group of people who are asking us to help fight the Federal government I guess the bureaucracy there's kind of a Mr. Smith goes to Washington type situation and if I could use that analogy they're asking us to get the ear and the attention of the Bureau of Land Management and other companies to work together.

Commissioner Jankovsky - And I just don't know that that, maybe if that's not the appeal process isn't possibly the vehicle to do that with. I have seconded the motion and stated my opinion.

Chairman Martin - Yes, you have. You have stated your point and Mr. Samson has as well. This is what I find that is very unfair to the applicant. It's because if we do an approval and then we also decide because it is not a full picture and that we wish to

retain a view shed corridor based upon inventory of our view shed and 300 plus year old trees etc. the only undeveloped area view from I-70 it's hypocritical to say that we are approving it yet then we're going to turn around and say we're going to say no to the mid section of that. We need to have a full picture of what it needs to be and we need to work with both sides to find that. And it shows also the inconsistency of the renew process of the BLM. To be able to take certain lands and say that they are wild and scenic right in the middle of a development area and then on the same hand say we're going to go across a wild and scenic view shed corridor because we can without any input from local folks. So it's an inconsistency and we have to live with that and that is the frustration that we all see. I think that again it is not fair for either side to approve this, that's why I say no. Call for the question.

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	CARRIED
Mike Samson	Tom Jankovsky	

Chairman Martin - It is denied based upon those points. Now as everybody in this room knows that if that foundation is not sufficient and a 106 action is filed we will have it in front of us again for a review process. But hopefully we will find a solution and not have to go that way; but if it does that is a process that the applicant is entitled to and may go forward with.

## **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**July 2, 2012**

Citizens not on the Agenda

Phil Vaughan - PVC Planning Division and Tom Firoe - Williams. On your consent agenda this morning there is authorization for the Chair to sign the Resolution of denial for the Kokopelli Phase II pipeline. I didn't know if that was going to be removed from the Consent Agenda for discussion. That's why we stepped up during the Public Comments. What is the pleasure of the Board to either speak now or wait?

Chairman Martin - We will discuss it individually and I believe there will be a motion to do that so we can have a full discussion on that item.

Afternoon session – Continued item

Chairman Martin said to Carey Cagnon you were charged with a duty and asked if she had accomplished the goal.

Carey stated that first to correct the record, we did receive a service plan last Friday, you will receive details on it but it won't be until next Monday on the matter tabled this

morning and that is the Resolution on the KoKopelli Pipeline. She has 3 possible approaches to this based upon what you discussed this morning. The first possible option and it's still my recommended option is to move forward on the form resolution as it was presented to you by staff and included in your packets for today. The reason for that is that it is our form denial, the same form we've used historically in the past with other denials and it is the reasoning behind making that highest recommendation. However, because there was discussion this morning regarding the Conditions J.4 and J.5 your other options are to remove one or both of them, hearing Commissioners headed in the direction of removing J4 which would eliminate any reference to compliance with the Unified Land Use Resolution.

Commissioner Samson - No, J5.

Carey acknowledged the clarification and correction but it would still maintain the language that is it still not in general conformance with the Comprehensive Plan and then the other option is based upon the request from the applicant and Mr. Vaughan that both J4 and J5 be omitted. I am prepared with Resolutions for you to move forward however, you would like with those three possibilities. That discharges what I was requested to do for this afternoon.

Chairman Martin asked for comments from the audience, Phil any comment to make. Phil Vaughan with PVCMI Land Planning Division at 1038 CR 323, Rifle and Tom Fiore with Williams and thank you Commissioners for continuing this to this afternoon and yes we do agree with the deletion of J.4 and J.5 as being representative of the motion that was made and passed on June 18.

Chairman Martin asked for any questions. This is a difficult situation in light of all of the other things that have come out in the public hearing and during the public hearing and the confusion, it's a difficult task that we have in front of us and I know there are options on the other side of this final decision. But we have to make to uphold or a change in our Resolution of Denial since we can't have a revisitation of the whole public hearing process at this time. What is the pleasure of this Board?

Commissioner Jankovsky - I'll make a motion that we except the Resolution that was presented to us less item J.4 and J.5, I think J through 3 states the reasons why there was a denial.

### **Discussion**

Chairman Martin said Phil this is the right direction in reference to what we have in front of us and the Resolution the way it is worded.

Commissioner Samson said I just wish people could work together, I think they can and I hope they do but with that being said being put in-between a rock and a hard place we'll go forward.

Commissioner Jankovsky said I made my comments this morning.

Chairman Martin said I've made my comments too and again I understand what the options are on all side, this is the option we are faced with out of the three and we have chosen this one.

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**Motion:**

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<b>Voting Members</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
Commissioner John Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Tom Jankovsky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Mike Samson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**June 19, 2012**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**ROLL CALL - 8:30 a.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**ROLL CALL - 8:30 a.m.**

**8:30 a.m. Town of New Castle work session request**

**a.**

Frank Breslin Mayor, Interim Town Manager Mike Edgar, Mike Blair, Bob Gordon Councilman, Lyle Layton Finance Director, Patrick Stucker Councilman, Michael Langhorne RREDC, Mary Metzger Councilwoman and Jeff Simonson Town Engineer were present. A site plan for the New Castle Business Park Plan was submitted with the entrance to the park off Bruce Road/CR240 and showing 16 lots for development. Frank Breslin explained the need for a business park as Yule Marble wanted to locate in New Castle for a finishing mill for some of the byproduct from the marble quarry. At that time, the Town did not have land available to offer. This prompted an inventory of land available in New Castle. The Yule Marble Company, since there was no land available, located their operation in the North Fork Valley in Delta. Therefore, the reason we are here today is to seek the will of the Commissioners to assist the Town of New Castle in a proposed business park. The land is the old gravel pit of 22-acres just east of the Burning Mountain Bowling Alley.

Michael Langhorne explained the Town was a member of the RREDC and would assist in carrying the loan and eventually the town would own the land. The land is available for \$1.7 million down from \$2 million. Currently it is private owned land.

Frank explained that the town would need help to extend infrastructure to the land. It would be an opportunity for economic development and jobs. He referenced assistance to the Town of Silt and the City of Rifle with infrastructure improvements as a basis for the request.

County Manager Drew Gorgey stated the County cannot assist the Town on privately owned ground; therefore, the Town would need to own the land and until they do, no commitments could be made to assist. Further, the Town was before the Board previously requesting assistance in the Exit 105 improvements including roundabouts at two locations. The Town has petitioned and submitted an application for the Federal Mineral Leasing District to help in that matter. Consequently, this is the second request. While there is a lot of money for these kinds of projects in the oil and gas mitigation fund, the Commissioners cannot commit until the land is acquired by the Town or some other political subdivision of the state.

Frank Breslin indicated due to the Tabor issues, the Town does not have the resources to purchase the land at the present time.

Chairman Martin suggested they have a majority of the Town Council and citizens behind the Town to support potential funding sources. Several options were given such as Certificate of Participation (COPS) and/or apply for a revenue source vote of the people.

Michael Langhorne RREDC would do the negotiations through their corporation. He explained the Business Park would be a tiered schedule. There is also a potential for

developing lots on CR 335 to extend sewer service over to Mr. T's Hardware and create a town lot next to the river. Therefore, New Castle might ask the Commissioners about another lot development.

Frank stated the Town Council believes this is the time to do something. If the Board agrees, he would ask they consider soft costs including engineering, legal and title work. He expressed future buyers would want to know the infrastructure would be there when they purchase these lots.

Drew emphasized the County's willingness to help the municipalities using the oil and gas mitigation funds for infrastructure; however, until the Town owns the land, our hands are tied. It is a generous policy to help municipalities.

Frank reiterated this would be an opportunity for jobs in New Castle yet there is risk involved.

Michael - This is an opportunity to create land and office space for commercial real estate development. RREDC could purchase the property in the interim period and later sell it to the Town.

Patrick Stucker, Lyle Layton, Bruce Leland and Mary Metzger commented on the discussion.

Patrick Stucker said he was very appreciative for the background and expanded on some the Mayor's discussion points. The prospect is between 50 and 100 jobs. This has been a discussion factor for the last 10-months.

Frank stated at the Town Council meeting tonight this will be the topic of discussion. Now they know the County is willing to work with us.

Bruce - One consultant is actively trying to identify businesses to locate here and if all goes well they will try to get a strong commitment. We have one or two already and several pending businesses interested. RREDC's attorney and the Town's attorney will work to make this happen. He asked if the Interim County Attorney or County Manager Drew Gorgey could work with us to find a solution.

Chairman Martin - We will cooperate every way we can as success in the municipalities is success for the County.

**b. 10:00 a.m. Update and open lands program design workshop -  
Representatives from Garfield Legacy Project, The Trust for Public Land,  
Routt County and Gunnison County**

Peggy Chiu, Senior Counsel, Mary Noone, John Lavey and Dave DeVanney presented the update on the project. Today the group presented programs in Routt and Gunnison County showing magnificent slides on their land preservation of AG land.

Mike Pelletier from Gunnison County presented his program of the Land Preservation Fund and told how they did it.

Jane McCloud from Routt County presented the project showing slides depicting the Purchase of Development rights (PDR). She said this began as a 17-member citizen-based community project appointed by the County; a vision was based on the immense population and growth of the valley as well as a desire to control their destiny. They were the recipient of the governors First Annual Smart Growth and Development Award in 1995. Their goal was to keep open spaces free of development and urbanization. In preserving open space there was a myriad of option for land protection consisting of conservation easements, PDR, donation, view corridor easement, trail easements,

historic easements, land exchanges, cluster ordinance, urban growth boundaries and obsolete subdivision review. This was a 9-month effort in 1995 to develop an appropriate and effective framework for protecting Routt County's special landscape. They did a great deal of public education by speaking to groups, mailers, newspaper ads and door-to-door information. In 1996 there was a ballot initiative which passed by 94 votes. This was funded by a 1.5 mill increase in the Routt County's property tax. Other federal, state and local agencies contributed funds and a great deal of in-kind. Since initiation of the PDR Program in 1997, the County has helped fund the purchase of conservation easements on 21,816 acres at a cost of \$11.4 million dollars covering 5,185 acres at an a cost of \$525 per acre.

Lori Weigle, Public Opinion Strategies conducted the survey of 300 individuals from all municipalities in the County. She presented a proposed Ballot Question for the November election.

Drew commented that the County could not be party to this ballot question; it would have to be done by professionals not connected to the County.

Lori indicated that even though Garfield County residents are still concerned about the economy, they continued to indicate they would vote yes on this measure. The consensus is to conserve land, protect water quality, wildlife habitat, hunting and fishing sites and encourage local food production. Additionally, Lori stated that over three-quarters of the voters in Garfield County want the chance to vote on this measure. Lori presented the key components of a Garfield County Open Lands Program and named the elements including a sunset clause and the County Commissioners would have the final authority to release funds.

**June 20, 2012**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**SPECIAL WORK SESSION**

**a. 8:15 a.m. 2013 Budget Kickoff**

**Address by County Manager – Drew Gorgey**

Drew Gorgey, Garfield County Manager announced the budget presentation. This will be an outstanding 2013. Today is one of the days that demonstrates the county is one county. The county is run by the people, the people elect their elected officials and the elected officials all have their specific roles. Thank all the elected officials who are here today, the Commissioners, Clerk and Recorder, Sheriff, Jim Yellico and others. The way the Constitution and Statute has structured everything, the Commissioners have the authority over the budgets of all the rest of the county and that county offices and administrative departments so the constitutional officers, Sheriff, District Attorney, Clerk and Recorder, Treasurer, Assessor, Coroner, Surveyor can all do their jobs. As the County Manager and the County Attorney, we serve the County Commissioners and everyone I just mentioned needs money to do that. I started by saying this to let the majority know that what we do day in and day out is fundamental from what most of the people you know do. By that, we serve the public; this is a public service job. All the

funds we are going to talk about in the coming months in preparation for an outstanding 2013 in not our money; it is all the people's money. We serve the public everyday so I think it's important to say that. We're serving the public instead of working for profit. That's one of the guiding principles going forward. I've been the full time Garfield County Manager since June 1, 2012 and today's not the day for me to talk too much about that but I did want to tell you that since that time and in the 5-months preceding that when I was acting County manager and County Attorney the county's been busy. This has been a very busy and productive time. We've accomplished so much already in 2012 that it is excited to be here on day one of Budget Day for next year, so you can really see just the county at its best. It's exciting to me. I am continuing structuring a learning plan for myself, there is a lot I don't know, I'm very grateful to Commissioner Martin, Commissioner Samson and Commissioner Jankovsky for giving me the opportunity, those are not just words to me, I really mean it and I hope that my commitment and my enthusiasm are something that you can share in. I think you already do, I've seen it. There is a plan for me to meet with my counter parts, the County Managers and Administrators from all of our neighboring counties to talk about cost savings, services sharing etc. Part of the structure of learning plan the result of it will be an analysis of the county's current business case. In short, I am honored to be doing the job and I'm going to help the Sheriff, Clerk and Recorder, Treasurer and every single elected office, every department, every office and I need your help to do that. So, last week the Commissioners held a work session at the request of Ann Driggers who will be the primary presenter today to get some general direction about budgeting. What we are trying to do starting today and for 2013. What are we trying to do and how are we planning to do it. The overarching principal that I can give you is that whatever we do in terms of the budget would be in line with the Board's policy, priorities and practices. So, how do you know what those are? I would tell you first to look at recent actions in 2012 and try to see if you can see some commonalities and strategy here. One of the very first things that was done in March and April was to address a larger than expected fund balance in Road and Bridge Fund and in other funds. The engineering department, road and bridge department, procurement department, county attorney's office all got together and presented to the Board about how to address that and the result was the approval of the \$16 million extra dollars in road and bridge and engineering projects for 2012 and 2013. If you come to the Board meeting or tune in on July 2, you'll get to see some excellent work by your new Communication Department, Renelle Lott on our website that will give you and everyone in the public instead access to the status of the projects. So in other words, taking money out of savings where it's not doing the public any good and working together to execute their policy to build roads and advance engineering projects immediately. Next, we paid down debt, it's not technically debt, these were Certificates of Participation but now we own the County Administration Building and the Building at Hunter Mesa, the Road and Bridge Facility is free and clear. That's good news; it's a very positive use of the fund balance. But, what it also did is save this county \$2.4 million in future interest payments. The establishment of a Communications Department puts the county on offense with reference to communicating with the public. We are not dependent upon what the headline writers writes or what they necessarily say, they play an extremely function in the community pursuant to the first amendment, we totally respect that but we have our own message

and through Renelle and investing in the Communications Department we'll be able to communicate that better. Gary Noffsinger your IT Manager has been actively working in a countywide strategic plan. There's been some discussion about this last year and some reports from consultants but there's enough expertise within the county and in Gary's department to advance this plan immediately in house and you will be seeing something on that in August or September. Fred's department Building and Planning at the direction of the BOCC along with the County Attorney's office has actively been seeking the second committee on the revision of the ULUR Code. In July, you will see last year's revisions coming before the Board of County Commissioners. Why is that important? That's important because this is one of the direct outcomes to execute the Board's policy to effectively get government out of the way of business, create a predictable regulatory climate so that would be developers or anyone who is trying to do business with the County has the assurance that the Code is going to be streamlined and efficiency as possible. We used some of the excess capital funds to purchase the Worrell and Durrett Buildings recently that is catty-corner from us, effectively 8th Street and Colorado. The reason for the purchase includes assemblage, and I mean by that, we already own and the city already owns parking lots near 7th Street. Acquiring these parcels now gives the city and the county ownership of that entire 1/2 block. We've assembled that for future use and there are multiple choices for that going forward. And what I wanted to mention to you is some very hard work by Tari Williams, Jamaica Watson and Gene Duran that the Board will see on July 2 and that impacts all of you as it is directly relevant to our budget discussions and that is revision of the Procurement Code. This is going to take substantial on-going and follow-up training; it is related to budget but all I want to tell you is put that on your radar today and to be receptive to all of the follow-up training and cooperation that will be required to execute that. More on that soon. So, to wrap this up in terms to give this to Ann, the budget will be driven by a work plan and a strategic plan for your office, your elected officials, and departments if you are an administrative department in the county. How does your individual department's mission, strategic planning work, work plan fit into the policies and priorities of this Board. What resources will you need to execute that mission? What financial resources, what human resources understanding there is an overall goal not to increase the number of full time employee (FTE) countywide. There may be some ways to use or redeploy currently unfilled positions elsewhere. You will have your opportunity to rather explain all of that in meetings with Commissioner Jankovsky, Ann and myself. I think those are the three; there may be others department by department. Ann will give you more information about that, but it is your chance to run through your budget line item by line item and explain why you need, what you need and what the mission is and how that fits into the county's mission is all connected.

Ann Driggers presented a Power Point of the budget and handed out the presentation as an overview of our budget. We are projecting going forward; there will be a direction and approach to your own budget preparations, tools and resources about how to do that and then finally the budget process and the calendar. A lot of you are familiar with this from prior years but please listen to Ann; she has worked hard on this presentation.

Ann Driggers introduced the Finance Department employees. The Financial Overview is that in the 2012 budget we have \$131.2 million is the amended budget and includes all of the COPS payoff and road and bridge and Worrell Durrett Building. She proceeded with the budget presentation giving dates when various parts of the budget are due with the final budget presentation on December 3, 2012.

**July 2, 2012**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

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

**Paving in Westbank**

John Hayes with the Westbank Homeowners Association thanked the Commissioners for the paving job the County did in Westbank. The kids now have a great skate park. Thanks on behalf of myself and the citizens of Westbank.

Access between Prehm Ranch and Westbank

John Hayes - Last year we talked to Chairman Martin about the stipulations we had when they had the Oak Lane through Prehm Ranch designed primarily as a route for construction traffic for owners of Prehm Ranch to do something and be able to drive through Westbank. We have several people who are using it to drive through there, I think when we talked to you, and you were unsure of what that stipulation was enough to have any effect on it or not. Then we looked at what I call the stipulations the County gave when they gave permission for that road through there and there is one that says the road was designed for a specific use. What should I do for direction?

Chairman Martin - The problem has not been resolved and the contractors are still using it to go to Four Mile is what you're saying. Drew had conversation with the attorney representing Prehm Ranch and the Homeowners Association. What is the direction we can give John?

Commissioner Jankovsky - Is that not Prehm Ranch's responsibility, they have their gates and they should have control of their gates. There are no trespassing signs there.

John Hayes - There is a contractor going through there, the yard person is the main culprit. He drives through there and he's an offender so it's legal for him to go through there.

Drew - Commissioners the last communication I had with the attorney for the HOA was that the standing opinion of the County Attorney's office was this was a private matter between two homeowners stipulation. They asked a follow-up question about whatever conditions were placed on the access permit in the first instance and whether violations of those conditions constituted a public matter. The timing of that was the transition between the County Attorney and County Manager and that issue is still under review by the County Attorney's office.



Chairman Martin - I do know there has to be an access agreement between the HOA and Prehm Ranch for that access to continue. Carey, we need to go ahead and do that and follow-up on that and have John come or his attorney to resolve that issue.

Carey - It is on the list of transition tasks so I am aware that is still an outstanding issue, it's been a matter of finding things out as we go through the transition. It is something we are aware of and I do have the communications between Drew and the HOA attorney as well.

Chairman Martin - John are you the point person as well or is there another person that needs to be contacted on that issue.

John H. - Steve Beatty is our attorney and you can talk to Steve or me.

Chairman Martin - John, make sure Carey has your phone number and she is able to contact you or Mr. Beatty in reference to the attorney and we will get that information flowing back and forth to resolve this issue.

**Phil Vaughan - PVC Planning Division and Tom Fiore - Williams.** On your consent agenda this morning, there is authorization for the Chair to sign the Resolution of denial for the Kokopelli Phase II pipeline. I didn't know if that was going to be removed from the Consent Agenda for discussion. That's why we stepped up during the Public Comments. What is the pleasure of the Board to either speak now or wait?

Chairman Martin - We will discuss it individually and I believe there will be a motion to do that so we can have a full discussion on that item.

## **1. Response to Oil & Gas Liaison report of presentation May 14, 2012 - Lisa Bracken**

Lisa Bracken presented the 3rd part of her presentation submitting various documents to support her theory of continued issues with the 2004 West Divide Creek Seep. She included draft notes prepared by Science Based Solutions LLC. with questions by Lisa on what the county and state has done about the seep and if the recommended actions in the 2008 report by Science Based Solutions have been completed. For today, Lisa addressed and thanked the Commissioners for the opportunity to address the Board. As said, this is the 3rd part of a presentation, which began in May and continued through June. Today concludes the presentation. This series began when Kirby Wynn presented his and purportedly Dr. Thyne's assessment to the county on the conditions of West Divide Creek regarding the 2004 and 2009 seeps. Lisa has requested an action item for the Board to do a groundwater monitor in the area of newly identified thermogenic gas contamination in West Divide Creek. The report presented by Mr. Wynn and Dr. Thyne's is in direct contract to the earlier assessments. As a request to the Board, I asked for a conversation with Dr. Thyne but it was denied. Today, I am submitting my additions to the chronology that Kirby Wynn submitted to the county in May. These are experiences based on personal knowledge and eyewitness experiences to added important context to the assumptions advanced in the earlier draft version of the county's timeline. I ask that these comments become part of the public record.

I offer a perspective on how this issue has worsened through the incomplete and poorly conceived decisions of this Board.



The COGCC and Garfield County denies that a 2008 seep ever even occurred but it did and it led to similar contamination on the Moon property. The West Divide Creek aquifer continues to hemorrhage benzene and this Board had taken the stance in support of fracing and enabled further degradation of the aquifer.

Administratively, this Board has an obligation to the people of Garfield County and others and I expect the board to live up to that fair and honorably.

This Board has collectively and habitually resisted safeguarding the people's health, clean air and water. Others have taken notice of these consequences to directly defend what remains of their livable environments. Your blind allegiance to the oil and gas industry has left you presiding over a dark and empty vision of our shared future and the people are no longer willing to invest in your vision. What I do not understand is why this Board is not.

## **REGULAR WORK SESSION:**

### **1. County Sheriff Update: Lou Vallario**

#### **Extreme Fire Hazard**

Lou Vallario presented a document regarding the Stage II Fire Restrictions and explained the contents. He reiterated the penalties for disobedience to these restrictions including fine, jail time, cost of fighting a wildfire and even reimbursement of property lost are possible consequences.

Garfield County Public Safety Council met Thursday and drafted a Resolution to present to each of the governmental entities. We are asking for recognition of a Resolution intended to get a consistent message with everybody as far as the State's Stage II Restrictions. There are rumblings of a Stage III and we hope it does not come to that stage. The emergency agencies throughout Garfield County in regard to the Stage II Restrictions and each entity has a process to follow to enact those bands. The bottom line is to follow these restrictions is to address the fire hazard we are facing. To illustrate this point, the Waldo Fire in Colorado Springs has found two dead people and it is an active homicide investigation. My understanding is it wasn't a lightening cause and the weather service was able to confirm there were no lightening strikes in the areas. It is very important people abide by these restrictions. Everyone has been fielding calls on fireworks sales and usage of those and everyone in the business and the community is doing whatever they can to help.

One of the most misunderstand is cigarette smoking; there is not cigarette smoking anywhere in the open, it must be within an enclosed building, tent, shed, structure or a vehicle. This has been passed to the Court staff; there should be nobody out in the designated smoking area. If there is, please remind them a fire ban is in effect and they would be subject to fines and penalties. Many restaurants and others have posted signs and willing to do whatever they can.

Drew thanked the sheriff and several people and informed the Board, Garfield County was active in trying to assist our neighbor Mesa County with certain aspects of the Pine Ridge fire. Thanks to Betsy Suerth and Dave Ebeler as we were prepared to receive any large animals evacuated from Mesa County. Fred Jarman worked hard to handle certain aspects and Renelle Lott listed many information sources and kept this flowing

to us. There was assistance from Battlement Mesa for temporary housing. It has been a very positive response. Tomorrow, there is an error on the agenda with respect to the Emergency Preparedness on July 3, it is an internal meeting. The County is prepared so I am just making sure I know in a worst-case scenario. While in Colorado Springs this weekend, many firefighters said they learned many important aspects of strategy and techniques of fire fighting from the Storm King tragedy here and those were implemented.

Lou - The sale of fireworks is a huge concern and the authority to ban the sale falls on the shoulders of the Commissioners. This is an extremely emotion issue. Kudos to all of the fire fighters for quick response to the two fires in the community.

Chairman Martin said we did the research in reference to the fireworks ban on sales, that is an Ordinance process, and we forwarded that Ordinance and the procedures to the different municipalities and explained that to the other forks. The interesting provision in the Statute said it prohibits the ban of sales from May 31 to July 5 unless there is extreme fire hazard has been approved. Lou had done so but it is interesting to see that City Market and Safeway have put up signs that candles, matches and all other flammables to please use caution when using these items.

Lou reiterated laws where they can enact the emergency ban but the County Commissioners do not have that.

Chairman Martin - We do not have that authority, the state legislature deemed what is reasonable and that is the Ordinance process which takes a timeline and has to be renewed every year.

Lou - We had another event yesterday of a young 14 year old boy floating on the river and lost in the South Canyon where the rapids are and very tragic. Search and Rescue and the Glenwood Springs fire department searched and unable to find the boy. It is a reminder that even though the river looks gentle and calm, there is danger on the river and we encourage everyone to use the floatation devices.

Commissioner Jankovsky noted the plane crash on the No Name.

Lou said Jim Sears our Emergency Management team were busy this weekend. We did have a plane crash, a single engine, one person put it down 5-miles up the No Name Trail, he walked away from the crash and had a shoulder injury but other than that, he was lucky. It didn't start a fire as our second concern. The ENTSP will be investigating it when they get their folks in the area.

Chairman Martin - It was the Jess Weaver trail and it's all uphill and on the flat tops.

Mike Samson - thanked the sheriff for what he does. Thanks to the helicopter out of Eagle who did the location on that as well.

Commissioner Samson thanked Lou for what he is doing. I get many calls from people and I tell them to call you. Concerning the fireworks, etc I want to recognize Carey who wrote the article in the paper.

Carey said she did speak to the press; however, they wrote the article.

Commissioner Samson - Carey to you think it would be beneficial for the viewing audience to go over a couple of those things and say some of the things the community might need to know.

Carey - I appreciate the opportunity because it has been a frequent question about why the Commissioners just cannot take an action here today that would ban the sale of fireworks. It is within the Board of County Commissioners powers to adopt an Ordinance

that would ban the sale, use and possession of fire works in the County. However, it does have to be done by Ordinance. Ordinances and Resolutions are different; Ordinances carry greater due process because they affect your police powers. That is one of your encumbered powers but a greater power that requires additional due process and the adoption of something that could have fines or other ramifications on individuals who are in violation of the Ordinance. In order for the Board to adopt an Ordinance, it is required that you publish in full in a newspaper of general circulation 10-days prior to adoption of the Ordinance. The challenge and a point of confusion for many folks in the County is what is our paper of general circulation. In Garfield County, the only paper that we have of general circulation is the Rifle Citizen Telegram. Due to its publication deadlines and the number of times it's published a week, we end up building in some additional time. It makes it even harder for the Board to take as to when you have to get your notice into the paper, when they would publish again and you would have to wait for that 10-day period to run before your Ordinance could become effective. I know that when fire danger really started to peak and concerns were raised, we were already past that legitimate time for adopting a ban on the sale of fireworks. That's why you were not able to take immediate action on that issue. Commissioner Jankovsky - Once we pass a Resolution, it is usually has to have a second reading.

Carey - Yes and under normal circumstances, it would require additional 30-days before the Ordinance becomes effective. There is an exception for immediate preservation of public health or public safety, which this would possibly qualify for but normally you do build in additional 30-day period after the publication of the Ordinance in full.

Chairman Martin - We cannot direct the sheriff to go and search every vehicle for fireworks.

Carey - You do not have that authority over the sheriff.

Lou - I do not have the authority over the citizens to do that as well. It would be an illegal search and seizure.

Lou - The questions I have been fielding is other communities have done it and I can't speak to what other communities do, municipalities, etc. I know Larimer did enact one since they've had fires over there longer and earlier than us and they anticipated that process. Pitkin County has a fireworks ban and they are Home Rule and perhaps have more latitude. It's frustrating because folks don't know our limitations are in government and we have to follow process to make things legal.

Drew - We do that all the calls from all the citizens seriously and return them all personally.

**2. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**

**a. Approve Bills**

**b. Wire Transfers**

- c. **Interfund Reimbursement Request**
- d. **To authorize the Chair to sign the Resolution of Denial for the Kokopelli Phase II Pipeline (PDPA 7056) proposed to commence at the Dry Hollow Compressor Station and terminate at the Rulison Compressor Station. Applicant is Bargath LLC - Molly Orkild-Larson**

[attachment Kokopelli Phase II Pipeline Resolution](#)

- e. **To authorize the Chair to sign the Resolution for a one year time extension to complete conditions of approval for the Cerise Gravel Mine (MIPA 6545). The subject property is located on the northeast corner of SH 82 and CR 103. Applicant is Clifford Cerise Ranch Company, LLLP - Molly Orkild-Larson**

[attachment Cerise Gravel Mine Resolution](#)

- f. **Authorize the Chairman to sign a Land Use Change Permit for an Accessory Dwelling Unit to be located on a ±35-acre parcel located at 3903 CR 241 approximately four (4) miles northwest of the Town of New Castle. Applicant is Daniel Adams. - Kathy Eastley**

[attachment Adams ADU LUCP](#)

- g. **Authorize the Chairman to sign a Resolution of Approval for a General Administrative Land Use Change Permit for an Accessory Dwelling Unit on a 13.51 acre property located at 5343 County Road 100, located approximately 4 miles northeast of the Town of Carbondale. The Applicants are Sondra T. and Peter S. Welles - Glenn Hartmann**

[attachment Welles ADU Callup Resolution](#)

- h. **Renewal of the liquor license for Kessler Canyon Ranch located north of DeBeque with a notice of change of manager**

[Attachment Kessler Ranch Liquor License Renewal](#)

- i. **Renewal of a Hotel and Restaurant liquor license and a 3.2 Percent Beer Retail license (off premises) for Sassy Sisters LLC dba Trappers Lake Lodge**

[Attachment Sassy Sisters Liquor License Renewal](#)

Jean verified all items are available.

Chairman Martin - Are there items that need to be discussed individually or removed.  
Commissioner Jankovsky - I would like to pull item "2d", which is the Kokopelli Phase II Pipeline; I would like to discuss that item.

Commissioner Jankovsky - I make a motion we approve the Consent Agenda less item "d".

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky, Phil Vaughan and Tom Fiore were present.

### **Discussion**

Commissioner Jankovsky - I read this Resolution and I have some concerns about item No. 4 and item No. 5 on the Resolution, from what I remember from the discussion the denial was primarily for safety, welfare and prosperity of the citizens of Garfield County. I do not remember discussion about the pipeline plan being not in general conformance with the Comp Plan or not adequately meet the Garfield County Unified Land Use Resolution of 2008. I was the one that voted nay on that issue. I just wanted to bring those two items up. I think those are not correct in this Resolution.

Commissioner Samson - Well, looking at No. 4 that states the pipeline development plan and application is not in general conformance with the 2030 Comprehensive Plan as amended. I know that there's a lot of wiggle room there when you say, not in general conformance. I think that is where the problem lies.

Commissioner Jankovsky - I feel it was in conformance with the Comp Plan, that's my concern.

Commissioner Samson - The main reason that I made my motion and I believe you agreed it was for the safety of the citizens and I felt there was room and my wish that the parties involved would be able to work out a resolution concerning a better route that would benefit the general welfare of all parties that were interested in the pipeline.

Commissioner Jankovsky - It is in item No. 3, which are different concerns but the view plane seemed to me the biggest concern.

Commissioner Samson - The last phase of the last sentence, which is located within the rural district, is not in the best interest of the health, safety, convenience, order, prosperity and welfare of the citizens of Garfield County. I'm not certain I used that terminology exactly but that characterize what my main concern was, so your concern is well taken.

Commissioner Jankovsky - My concern is in No. 4 and No. 5.

Carey - I would point out this is your standard form of a denial resolution; we have not modified the format from what was normally used with the denial. I would point out that Commissioner Jankovsky was not in favor of the motion so his concerns that it is not consistent with the findings may be more appropriate for voting in favor of it that the grounds for the denial. I would remind you of what is necessary to support a denial and I

think that is what your standard form resolution is designed to accomplish is to provide basis consistent with your powers and the Code.

Chairman Martin - We have talked about in reference to reconsideration; however, it is too late at this time and we must go forward to approve or to reword based upon the motion that was done prior.

Carey - Correct. Reconsideration is not an option at this point, there is no basis in your land use code for a reconsideration of the motion; you are simply closing the loop with the administrative act that memorializes your decision made at the end of the public hearing by motion and it now final. We are looking for an approval of the form resolution.

Commissioner Samson - It is understood but i don't agree with it. I believe I made at the time that we had the public hearing I think in my mind it was demonstrated to the point that the applicant had adequately met the requirements of the Garfield County ULUR Resolution of 2008. As most people believe, our concern was to be focused entirely on private land, we do not, as the Board of County Commissioners, have the luxury of deciding whether the BLM can do with its land. Somehow, we missed the ball and did not give adequate input. I'm sorry we didn't, I wish we would have had our say with them so that this could be avoided in many ways. The point here in No. 5 I can't agree with in that it appears as though they did do what they needed to do for that part of the pipeline on private ground. My concern is that I believe that the companies involved, the private landowners and the federal land representatives could have worked better together in resolving this to make most people happy concerning this pipeline. Lisa Bracken said, "We have blind obedience to the oil and gas industry." The elephant is in the room and cannot be avoided, so I'll bring it out and say it, we don't have blind obedience to the oil and gas industry, we have questioned them and will continue to question them. We are not a rubber stamp for anybody and the three of us are trying to do the best we can for the safety, welfare and concerns of everyone within the county. I go back to the last phase of No. 3 which I believe is why John and I decided this wasn't in the best interest of the health, safety, convenience, order, prosperity and welfare of the citizen of Garfield County and therefore, that's why I gave the plea that the applicant and those contesting the application sit down and please try and work this out to the benefit of all. I believe that can be done if people learn to work together.

Chairman Martin - Yes, but unfortunately that's not in front of us now. It is either to uphold, sent it back, table it or to reword it so it is acceptable to the motion maker.

Commissioner Samson - No. 5 I do have problems.

Phil - That actually conditions within the recital of J4 and J5 are our concerns as well and I have gone back to look at my handwritten notes and we've not been able to get a video of your entire hears, it cuts off about 30-minutes before the hearing on June 18. Your staff does have a tape they are trying to get it to us. I do not have that now. That was my concern that I brought forth to Tom Fiore is that item No. 4 the pipeline application is not in general conformance with the 2030 Comprehensive Plan as amended. I looked at the motion made and clearly, we feel we made that case and the director's determination backed that up as well. I think your discussion on No. 5 is absolutely accurate, you number of comments is not in the motion whether or not we met the Unified Land Use Resolution of 2008 so we would urge the Board to again not go back to the validity or any of the issues and concerns on June 18 but we feel that

items J4 and J5 are incorrect and not in the spirit of the motion that was made and passed by the Board of County Commissioners.

Chairman Martin - The other issue that is driving this confusion or this dilemma happens to be two different processes. One was the state process and the federal government process and application. Unfortunately, we couldn't introduce all the events from the federal process because that is a different process and we have no jurisdiction. We didn't have the ability to bring in the facts on this particular one and I think it was a factor in the decision of the motion. I would love to be able to reconsider and bring it back to re-discuss. Carey is telling me we can't do that so I will honor that as a legal representation. Fred this is no reflection on your decision and your staff and everyone that worked on this.

Commissioner Jankovsky - Mr. Chair, we received the EA from the Bureau of Land Management at the time of the meeting and it was 70-pages long and I definitely did not have a chance to read that and there were some things in there that were pertinent to this discussion. That concerns me but that's not what we're talking about here.

Chairman Martin - It is and Phil is very aware the applicant can go ahead and challenge that as we mentioned in the meeting, a 106 action and put the facts out that we did not follow our own rules and regulations as a challenge and have a burden of proof on it.

The other one is that the applicant can go ahead, make some changes in the application submitted, and resubmit that application, which at that time that, would be a new application for the review process. That would be looked on as a new application that we are denying. Those are a couple of options we're looking at. Again, the Resolution in front us and if we are not happy with the wording we can table that and work on the wording so it is acceptable or we can have the motion to approve the Resolution for denial. That is an option we need to take today, to reword it or accept it as it is.

Drew - What I would suggest if you are down to conditions 4 & 5 and it sounds like minor changes. I'd ask the County Attorney if this is possible. It is a form motion just to continue this until the last item on today's agenda in the afternoon. The benefit to finalizing this today is by ever measure it would begin the ability and enable the application or anyone with standing to pursue their legal remedies.

Chairman Martin - Yes there is a timeline that needs to be started and not delayed if it were to be an appeal. That's another consideration.

Commissioner Samson - I like the suggestion to continue this until later this afternoon.

Drew - Is there anything more than changing the negative aspects of Conditions 4 and 5 to the positive, is in general conformity instead of is not and has adequately met rather than has not.

Commissioner Jankovsky - Just drop 4 and 5.

Chairman Martin - These amounts to the staff has done the job to go ahead and do their function, that is to protect this Board in case of any legal challenge, and that's what those two items are for a legal challenge. The burden of proof falls upon the applicant. We would have to support those two claims in reference to the record and what was presented and the motion and foundation to that motion.

Carey - That's correction and the 106 action is the appropriate venue to sort out whether there is a discrepancy there.

Chairman Martin called for additional comments. This is not a pleasant conversation and we need to face it and get this resolved one way or the other. Motion either to table or to approve.

Commissioner Jankovsky - I cannot make a motion to approve as is.

Commissioner Samson - I would move that we table this and bring it back later today so that we can take action on it.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Chairman Martin - We need to take action today. We will do that after the 1:00 p.m. agenda and see what we have at that time and then we'll have some land use issues.

### 3. County Manager Update: Andrew Gorgey

#### a. Public Meetings:

##### i. Advocate Safehouse Emergency Shelter Grant Letter - Julie Olson

###### Attachment Advocate Safehouse

Julie Olson submitted the Emergency Solutions Grant Letter for the Advocate Safehouse through the Division of Housing. We are requesting \$8,000 for the support of our Safehouse program and the part of the Garfield County grant matching that and I need your support as well as there are contingencies with the grant.

Chairman Martin - I thought you had accomplished all your goals and your organization was no longer needed and everything was taken care of but it's not true is it. You will have to continue to stay in business and assist people.

Julie - Absolutely, at least for the time being.

Chairman Martin - We have to make sure that keeps on going.

Commissioner Jankovsky - I agree.

Chairman Martin - Commissioner Samson have you read the letter and do you wish to support that item more or to rewrite it.

Commissioner Samson - its fine.

Chairman Martin - Your request is for a letter of support so we can go forward for your grant request, the letter that was presented.

Commissioner Jankovsky - I will make a motion that we sign the letter of recommendations for the Advocate Safehouse for Emergency Solutions Grant.

Discussion

Chairman Martin - We still feel it is a worthwhile community function that is necessary.

Commissioner Samson - This will come out of...

Drew - It's just a support letter.



Chairman Martin - The matching funds come from the sales tax Human Services Grant that has gone forward and at that point there are matching grants that allow us to go forward.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**ii. PAC3 request for sponsorship - Josh Behrman**

**Attachment PAC3**

Josh Behrman submitted the letter for support for the 3rd Street Carbondale Performing Arts Center known as PAC3Carbondale for \$15,000 for sponsorship. Josh explained they have been in existence for one-year and this is the only venue of its kind in Garfield County presenting acts all year round. We are comparable to the Wheeler Opera House's programming. We present everything from comedy to the all performing arts, there is potential for everyone to participate in what I do and how I do it. Now is the time for PAC3 to take it a step further in a larger marketing campaign to attract even more people around the country. He named the summer's line-up for world-class entertainment. PAC3 will put the Garfield County logo on all printed materials, a link on our website and in all e-blasts and visibility at all PAC3 shows and festivals. If you have direction that you have other venues that you would like to see make money, there is a potential to do so.

Commissioner Jankovsky - First, when you talk about PAC3 you are a non-profit, Act III is a non-profit.

Josh - Yes, we have our 5013C.

Commissioner Jankovsky - You have local members in the Roaring Fork Valley, Garfield County is on your Board of Directors.

Josh - Correct, they actually were going to be here, but my timing was off.

Commissioner Jankovsky - I will state that in my household my step-son has been to PAC3 and to have that available in Garfield County as opposed to having kids from the lower end of the valley having to go to Belly Up for entertainment is very positive.

Besides concerts you have done a prom, you've had a film festival there, it's been used for conferences, etc.

Josh - We've had the Roaring Fork Prom, we've collaborated with the, Aspen Film Fest, and PAC3 has hosted events with WindWalkers, Grassroots TV and the Aspen Writers Foundation. The facility is not just a concert venue; it's a multi-use venue that could be used in most any capacity and we're collaborated with at least a dozen non-profits and made them money, we've collaborated with the Waldorf School for their fundraiser and many organizations have come to us and used our facility for their use so it is a rental facility as well as a facility that we present. We have potential to do so much and right now, our marketing dollars are limited so we would like that potential to reach out beyond our valley and even with our limited funding, we still are in our top 10 and top 5 reports are drawing from Denver and Garfield County. The funds up-to-date are coming from ticket sales and private money being myself, the Board of Directors are all local

and from this valley, prominent people, 3rd Street Center is fully behind me as you can see in the letters of recommendations, Mayor of Carbondale Stacey and everyone in the community supports what we are doing and proud to have this facility in this valley.

Commissioner Jankovsky - In the 3rd Street Center, to give members in the audience who are not aware, you took over the gymnasium and turned it into a concert venue.

Josh - Correct, the 3rd Street Center completely renovated it into a non-profit center, I took over the gym and completed renovated it, gutted it and made it into a multi use venue. It is not a Wheeler Opera House by any means, but by the standards of the artists we have is somewhat world class.

Commissioner Jankovsky - Oftentimes when people ask me about Carbondale I'm amazed at the number of different venues that are in the town for not having a big bay base, you have the community center, you have the Thunder River Theatre Market Place, the Orchard, Church, Arts Council and PAC3 and Steve's Guitars. I would set the stage for this as we have given sponsorships with Rifle Rendezvous, Summer of Music and 5-Points.

Josh - We are open 12-months a year and always every week events up to 5 per week. I'm not asking for one particular weekend, I'm asking that I get support 12-months and opportunity to bring in tax revenue. We are now working with the Hotel Colorado and other parts of the valley so everyone benefits from us, not just Carbondale.

Commissioner Samson - I'm waiting for your standard question.

Commissioner Jankovsky - My standard question is you're asking for \$15,000 from us, are there other matching funds from private businesses and private enterprise as well to match that \$15,000.

Josh - I've personally put \$200,000 of my own money into this, we are getting private donations and memberships.

Commissioner Jankovsky - If I put this motion up that \$15,000 and that you match that with another \$15,000.

Chairman Martin - I think he needs money now and if he can show that he has private donations as well as in-kind services that would meet the requirement.

Drew - Those would be new after your motion, so anything you've received today would not be a match if the Board decides to approve the award today your \$15,000 from the County would be conditioned on proof of additional \$15,000 cash or in-kind would suffice. Once you submit that proof, you would get the funds from the County. The other standard thing put in here some evidence of your 5013C statute, the IRS letter. Our office will write that up, it's reviewed by the County Attorney's office but these are form agreements and shouldn't take long. Jena Thompson is the point of contact upstairs.

Commissioner Jankovsky - We'll make this motion and it just grew your request to \$30,000 Josh. You have to come up with \$15,000. This is new.

Chairman Martin - In-kind or cash donations between now and when you receive these funds. The funds will be available to you upon the proof.

Commissioner Jankovsky - I would move that we approve this sponsorship request of \$15,000 to PAC3 Carbondale a non-profit organization and that PAC3 provide us with matching funds, private or in-kind donations from this point forward and we'll take those funds from the Commissioner's Discretionary Funds.

Discussion

Chairman Martin - Drew do you have a balance of those discretionary dollars?  
Drew - I do, your available unencumbered balance is \$724,000.00 so if after this motion is approved that goes to \$709,936.00.  
Josh - Thank you very much.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky - Josh, put those funds to good use.  
Josh - Thank you and I hope to see you all there sometime.  
Commissioner Jankovsky - We'll be there but you'll have to have some cowboy music.

**iii. Update regarding Garfield County Air Show, schedule modifications, fire ban, and related contractual matters - Brian Condie, County Attorney, County Manager**

**AeroShell Aerobatic Team Official Website**

Brian Condie, Airport Manager presented related matters for the Air Show saying since the Stage II Fire Ban is in place and to comply with that as much as possible, we have cancelled the Wall of Fire pyro techniques portion of the show. There are challenges with cancelling part of the show. We were able to work things out and made some final changes on last week and the notice went out on Friday. The main thing is the Air Show is still going to continue. We do have scheduled modifications; the contractual obligations are when we sign up with each performer if we cancel the act we have to pay them in full. Tora Tora Groups with the Air Force is unable to book in 2-weeks so now they are out all of that money. We worked with the Core Group and let us out of our contract sufficient so we could hire a replacement, which is the AeroShell Aerobatic Team. I am very grateful for the Commemorative Air Force in working with us they were aware of the fire situation in Colorado and very concerned and wanted to support Garfield County and also the State of Colorado. I appreciate their willingness to work with us. They rewrote the contract and only charged us with their expenses out of pocket to date. They could have charged us for the entire show. That freed up enough money for us to get the AeroShell Aerobatic Team in here. We will have a night show, the City of Rifle called and they had the Denver Bronco Organization Community Outreach Program that they transferred up to the Garfield County Air Show for Friday night. That will help the activities Friday night. I thanked the City of Rifle for that offer. Other than that, the Air Show is moving forward. The biggest improvement we have done over the last year we had just over 22,000 people and we only had one parking lot exit. That was our biggest complaint last year. Now we have four exits from the parking lot thanks to the Airport Land Partners who allowed us to put additional exits on. We will be able to get people in and out a lot quicker that we did last year. We'll see you on the 13th and 14th.

Chairman Martin - I will miss the show so the other two will have to take over.  
Commissioner Samson - I'll be there both days. But before you leave thank you for the work you've done as we talked and coordinated that and it would be appropriate for all

three of us to sign a letter to the City of Rifle for their help for the Denver Broncos but also the Commemorative Air Force to draft a letter and say, I know this messing you up but thank you for working with us and we look forward to having you in future years, etc. It is a standup class act and for understanding situations beyond our control and helping us out.

Brian - That would be very appropriate.

Commissioner Samson - I think you probably should sign it as well but the three of us should sign it and send it off ASAP.

Commissioner Jankovsky - I just wanted to say to Brian, thanks for a job well done being able to make these adjustments.

Chairman Martin - Our public relations office and all that good stuff is updated which already is on the website and advertising as well as special bulletins.

Brian - I'll keep that updated on our website, we'll hand out new schedules at the entrance to the Air Show in case somebody missed the Commemorative Air Force will not be doing their pyro but we'll get it out as much as possible.

Commissioner Samson - We have 22,000 and I think we'll break that this year. Many people are excited to come.

Commissioner Jankovsky - We need the weather to cooperate as well.

Drew - You already know this but Brian's action was swift and decisive and saved the taxpayers money in the handling of these contracts.

Commissioner Samson and Chairman Martin - Great job, thank you.

#### **iv. Approval of a contract with QDS Communications to upgrade to the 800 digital radio system - Deb Fiscus and Jamaica Watts**

##### **Attachment 800 Radio Upgrade**

Deb Fiscus, Jamaica Watts and Matt Hutchinson were present and presented award of contract to QDS Communications for \$133,051.52 to upgrade the County's 800 Digital Radio System.

Commissioner Jankovsky - We started this back in 2008 so we have been moving in this direction.

Jamaica - It started and then it stalled.

Chairman Martin - When we are completed they will change the frequency and then start all over. Right Lou.

Commissioner Jankovsky - That's the way it works.

Chairman Martin - 800 megahertz it will probably change frequency based upon federal regulations.

Commissioner Jankovsky - Do you think you can do this without a repeater?

Matt - I believe so, they will evaluate the system for so long and the impact so we may have to buy one.

Commissioner Jankovsky - A repeater will be an additional charge.

Matt - Yes.

Commissioner Jankovsky - This is going backwards if we don't do this, so.

Commissioner Jankovsky - I'll make a motion that we approve a contract to QDS Communications in an amount not to \$133,051.52 to upgrade the 800 digital radio systems for the radio sheet given in our packet.

Discussion

Commissioner Samson - I think this is great and we have the buy-back option for the existing radios, which is great and this does not require a 2012 budget supplement which is awesome also.

Chairman Martin - Any analog radios still available.

Jamaica - Yes.

Chairman Martin - Don't throw them away, we may need them. Don't get rid of all of them, I think there will be a fall back just in case, emergency. It's going to change so we need some kind of communication.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

**v. Consideration and Approval to donate 2 surplus sheriff vehicles to the Town of Silt with authority to chair to sign titles - Deb Fiscus**

Attachment, letter from Silt for 2 Vehicles

Drew - We do have a letter requesting the same from the Chief of Police Levy Burris.

Deb Fiscus - I think the letter I have is the same one you received back in May from Silt requesting 2 vehicles from our surplus, which resulted from the replacement vehicles for the Sheriff's office. They did receive vehicles approximately 2-years ago. They are asking for 2 more.

Chairman Martin - Do you have them available?

Deb - The new one for the Sheriff's vehicles.

Chairman Martin - They are just asking to be in queue just in case there are surplus vehicles to consider as a donation to the Town of Silt.

Commissioner Samson - I think this is a good thing for us to do; it's been a great program.

A motion was made to Commissioner Samson - I would make the motion that we approve the donation of 2 surplus sheriff vehicles to the Town of silt with the authority to sign the titles.

**Discussion**

Commissioner Jankovsky - One question to Drew, how do we show that on our books when we do a donation like this.

Drew - I can verify this with Ann, but these are already listed assets in the County and so it would be memorialized as whatever income we would have gotten is noted, I don't think there is any change to --- I'll find out the specifics.

Chairman Martin - Transfer of assets, which would be a government transfer to a government transfer. I think the motion is on the floor already.

Drew - And in your motion the indeed ownership of is the title and you are simply signing title over and how the demolition in our assets is accounted for, I'll get an answer to you.

Chairman Martin - Before we take action on this, Mr. Levy, you drove all the way down here from the Town of Silt, do you wish to come up here. Anything you would like to add to your request letter from May requesting 2 vehicles when available on the transfer to Silt.

Levy Burris - I think everything is included in the letter, the County and the Commissioners were kind enough to help us out a couple of years ago with the 2 surplus vehicles which has really been effective in me maintaining my fleet and everything else and we hope to continue to do so when we get 2 more.

Lou Vallario - I'm happy to help them.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

**vi. Consideration and approval to release a pipeline installation bond for Plains Exploration & Production - Deb Fiscus**

**Attachment Release of Bond Plains Exploration Company**

Deb Fiscus - This is a request to release a pipeline installation by Plains Exploration and Production that went into effect in 2006 for installation, a little pipeline along the county road right-of-way. They are no longer working in Colorado so they requested we release the bond.

Chairman Martin - Any defect in the installation of any other reason to go back on the bond. Everything was done satisfactory, inspected or at least accepted.

Deb - Yes.

Commissioner Samson - I would move that we approve the release of the pipeline installation bond for Plains Exploration and Production as presented and authorize the Chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

**vii. Consideration and direction to staff on regulatory signage change at the CR 311/ CR 331 Intersection - Deb Fiscus**

Deb Fiscus received a letter from Roy McPherson for improvements to the traffic low at the Intersection of CR 311 and CR 311. These comments were shared between Road and Bridge and the Sheriff's office. It was agreed that changes needed to take place to improve the safety of the traffic through this intersection. Therefore, Deb presented 3-options and explained them.

Option 1 - Install a new stop sign on CR 311 for westbound and northbound traffic and keep the existing stop sign on CR 311 for eastbound traffic. Remove the yield sign on CR 311 for southbound traffic going east and/or west.

Option 2 - Install a new stop sign on CR 311 for westbound and northbound traffic with the option for northbound traffic to continue without stopping similar to the set up at the lower end of Four Mile Road. Maintain placement of the existing stop sign on CR 331 for eastbound traffic and remove the yield sign on CR 311 for southbound traffic going east and/or west.

Option 3 - Install a stop sign on CR 311 for westbound traffic, and stop sign on CR 311 for southbound traffic creating a 3-way stop. There is an uphill incline on SB Cr 311 however it is also a primary snowplow route. Vehicles traveling WB on CR 311 will still have to creep well into the intersection in order to adequately see southbound traffic before proceeding through the intersection. Roy McPherson the owner of the property at the NE corner of the intersection stated we could cut that hillside back to improve visibility as long as we hauled away the material and replaced the fence. We just need to do whatever agreement or letter is needed in order to make that happen.

#### Discussion

Chairman Martin - I think it is a site issue more than a control issue.

Commissioner Samson said well I'm the one that brought this up because Roy called me and I wanted to tell Deb thank you for your quick action. This is a problem and I think which option to use I'm not totally sure other than I agree with the Chair the visibility there and we can work with Roy and it's awesome that he is willing to let us do that with his property, etc. People working together for the common good of everybody. This is good, no matter which option we take we definitely want to pursue working with Roy and getting that hill cut back so the visibility on CR 311 there could be greatly improved. Pros and cons, what is your recommendation on Option 1, 2 and 3 and why. Deb explained the three options; with option 3 would be the safest with everyone stopping. There is an incline going southbound on CR 311 that may or may not cause some issue in the wintertime when the road is slick with vehicles stopping on the slight uphill incline. Option 1 there's no downside to that, vehicles no matter which option are going to have to creep out into the intersection quite a ways before they are going to be able to see around until we get that hill taken care of. Option 2 that could increase the flow of traffic, it's a major primary hauling route and those southbound lanes being the only point in the Silt area across the river to access so it could keep traffic flowing better with people not having to stop as well as the southbound having the right of way.

Chairman Martin said under the Model Traffic Code with Lou, have you done any kind of traffic movement or anything else to make a recommendation from the Sheriff's office.

Lou - That's difficult, we always look to patrol to and I can tell you personally I drive that intersection everyday when I go home and just my own observation as well as with the landowner there, it makes sense. It is strange as many of the county roads have a history of being an L-Shape and the curve. At this point, it makes sense for the amount of traffic going east and west stops and allows the uphill traffic. What I see most of the time when you're on CR 311 take south to CR 311 there is a yield sign there but traffic coming from the east has the right of way and you see many almost issues there. It makes more sense to stop that traffic and allow the uphill traffic to have the right of way.



Chairman Martin - So that would be your recommendation on traffic enforcement scenario as well.

Lou - Absolutely, we would go along with Option 2, I believe.

Chairman Martin - We still need to work with Roy to move that site visibility issue. If we can include that in a motion to work with him to get that done as well.

A motion was made to Commissioner Samson - I would move that we would instruct Road and Bridge to pursue Option 2, install a new stop sign on CR 311 for westbound and northbound traffic, option for northbound traffic to continue without stopping similar to the set up at the lower end of Four Mile Road, maintain placement of the existing stop sign on CR 331 for eastbound traffic and remove the yield sign on CR 311 for southbound traffic going east and/or west. That is Option 2 as outlined and then we instruct them to continue with the property owner Roy McPherson to cut back the hillside to improve visibility and that the County Attorney's office complete the negotiations along with the County Manager.

Deb Fiscus - The timeline was October/November when the project would be completed.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

#### **viii. Road & Bridge website presentation - Renelle Lott & Deb Fiscus**

Drew said before we get started on the next item, one quick introduction, in your packet today as promised you have from your Project Management Meeting the top ten list of pending capital projects or projects of a similar type. A permanent addition for this year 2012 is the last one Road and Bridge Engineering Project list, page two of this includes the status of all of your additional projects and that is a sufficient introduction for Renelle and Deb.

Renelle wanted to let the public be aware when they might have delays and what information they would like to know about the roads they travel. On the website, she explained the link to Road Projects and the overview of the projects. We are showing people an overall scope of the projects, she went out with the road and bridge guys who helped me find out where all the projects were and did a summary sheet then we have status updates on the website. We talked about a road grader class they all attended and took photos for me. In conjunction with the sheriff's office, we did a Slow Down and Move Over Campaign featuring Cameron Blah was injured when she was struck by a vehicle when stopping a motorist on the highway. She is now a detective and no longer on patrol in Garfield County. We have other links to projects. The roads are arranged by Districts, so when you pop into the status page it will take you into their section. There are the three Districts and all that information on the roads is available. Deb gathered a lot of information and gave it to me. There are photos of the completed projects with the old and new and the status in percentage of work done of the others. Deb gives us that update weekly so we can keep the website current.



Commissioner Jankovsky said Mr. Haynes was thanking us this morning on the roads in Westbank.

Renelle said this is to education people as things occur and it is something that is beneficial to the public and thanked Deb for all her assistance in this project. The three-district foreman have been extremely helpful in getting information to us and communicating regularly with the people in their areas.

Commissioner Samson said this is awesome.

Commissioner Jankovsky said it's great to have this available and will you be able to tell us on this page.

Commissioner Samson asked how long this information has been on the website and Renelle said for about a month and asked if she had the number of hits on the site.

Renelle said she has not checked but would let the Board know.

Drew said this is a tremendous amount of work and architecture of this page and it was a collaborative effort between road and bridge and the communications department and a lot of time by Renelle personally putting it together.

Commissioner Jankovsky said I've talked to Renelle individually about the job she is doing as our communication coordinator and appreciate the work you are doing. The press releases, the work on the website, the awareness she is bringing out, the DeBeque Pine Ridge fire being one of those instances where she's been on top of it and a voice for the County. Thanks for a job well done.

Chairman Martin said this also helps with your inventory, GASBY and all the other improvements you are doing as well as HUTF updates related to Rob so he can upgrade his reports to the state and federal government. It's great.

Drew said this is also a demonstration of following through on the March 9 reorganization and the communications department is here today and we are trying to build a department around Renelle, she and I meet weekly, we have some outstanding input from Katherine Ross and the next thing you will see is similar to the Procurement Department a new concept and structure for the communications department for the County, which will be a great benefit for the citizens as demonstrated by this specific act coming soon.

Jean said before Renelle leaves the table, thanks to Renelle for help on the election night for the Primary Election, she had information up on the website immediately, great bar graphs the minute hit the website they knew immediately who had won.

Chairman Martin hopes this will be the same with the big murder trial, general election all within the same day of each other in November. This will be a challenge.

Commissioner Jankovsky to Deb asked if the guys in road and bridge look at this.

Deb said most of the guys look at the website and the fire update etc. They bring information every week at the foreman's meeting.

Commissioner Jankovsky said that's the only way you can keep this updated with your guys out there taking the pictures and giving that information to Renelle.

Chairman Martin replied its good record keeping to the strength and surface of the road, etc to help in the future for other projects such as the design of haul routes so you will have a baseline of data. This also deals with budgeting and priorities.

Deb said we are going back and adding as we move forward.

#### **ix. Consideration of additional funds for landfill material stockpile relocation -**

## Betsy Suerth

### Attachment Landfill Capital Exp rqst

Betsy Suerth presented the information on June 18 to the BOCC a presentation was given for the background and justification for this project, a relocation of a substantial stockpile at the landfill. At that time, Commissioner Jankovsky requested a tour of the landfill to inspect the landfill stockpile and to see what we are doing there. This was done on June 22 and now staff is returning for the same request of reconsideration of additional budget to fund the project to relocate the material stockpile. In the memo in the packet a summary of the budget for capital expenditures for the fund, it is an enterprise fund and the 2012 budget we had several items projected for that budget of \$1,004,000 and in reexamining those items and projected an actual amount with an increase of \$1,000,000 on the materials stockpile relocation line from \$500,000 to \$1.5 million and as explained the last time before you we had put in that \$500,000 as a placeholder not knowing how much material we had or if we were going to move it all in one year. With the addition of \$1 million dollars and some projected reductions in the other capital items for the fund, we are projecting a \$1,840,000 for capital. We are asking today for the increase of \$800,000 of expenditure from that capital fund. Originally we had projected a reduction of about \$800,000 in fund balance for the solid waste fund, we had a fund balance of \$5 million at year end and projecting a \$4.2 in the original 2012 budget with the changes brought before the Board today we would be looking at more of a reduction of the fund balance down to \$2.7 million. \$660,000 reserve for closures - included in the fund balance.

Chairman Martin said it still keeps you in the ballgame for dollars for scheduled post closure.

Betsy said now we have a reserve of \$6000 added to each year and still have ample funding.

Chairman Martin said closure and post closure is a requirement by statute and we don't want to go below that amount.

Betsy replied there is a dedication of funds each year to develop that reserve for closure and post closure. Another part of the memo to go over the revenues and ton trends for the landfill and gave a couple of graphs showing those trends. There isn't enough data to present to the Board that shows relationship between the tipping fees and the number of tons of waste that come into the landfill. We have a general trend of tonnage going down but there are many influences to that, one being the highest is the economic conditions over the past 3-years. However, in relationship to revenues, the 2012 trend show revenues might be going up but there's not enough data to say one way or the other but today just giving you a summary of what's happening.

Commissioner Jankovsky said the tour was good to see the landfill and Betsy your foreman wanted to keep about 20,000 to 30,000 cubic yards there for fill for Cell No. 6 and would bring it down to about 320,000 cubic yards needed to move.

Betsy said we are looking at about 450,000 right now but not sure where the top of the trash is located. It is just an estimate. The 350,000 might have been an earlier number and we've done several surveys so it could be anywhere from 350,000 to 475,000 but it's hard to say because of the substantial size of the stockpile and trash underneath it,

there's no way of knowing in some areas where the dirt ends and the trash begins so there is a large discrepancy between the estimates. So in answer to your question we still have to look at the technical aspects of leaving some of that stockpile. The state is pressuring us to move all of the material because of the methane issue that we have and my guess is that the state is going to say move it all but we don't know how much of that we can leave if any. Presently, we need to move it all and as we get into the project, we can come back and give the Board a project update. The cost per cubic yard would be about \$2.00.

Commissioner Jankovsky estimated at \$1.5 million it would be about \$4.50 per cubic yard.

Betsy responded saying with mobilization you have the building of the road, the haul road, crossing which is taking the 404 permit, the water for dust control, the storm water management plan and the actually physical improvements for the management plan plus a cost of engineering for \$150,000 for observation, QACE inspections.

Commissioner Jankovsky asked once this is moved there will the cost of additional monitoring methane wells where the stockpile was.

Betsy said we already have those monitoring wells in place and hoping once the material is moved, those wells will show significant difference in the methane contents.

Chairman Martin said the request is before us.

Drew said as a procurement matter he wanted to make sure we are dealing with a soul source proposition and asked Betsy to speak to the procurement.

Betsy said you may be thinking of the actual drilling of the methane bins which was a soul source but this is a construction bid, public bid and we are looking today for a motion to direct staff to release that project bid package to the public that will go out for 30-days and we will do whatever we think needs to be done to allow the contractors ample time to submit the bids and approve the budget of \$1.5 million for the project. Staff will return to the Board on the 3rd BOCC meeting in July with a supplement reflecting this if you consider approving this.

Commissioner Jankovsky said there's going to be a bid to build the road and move the material then another bid to oversee the moving of the material and the road.

Betsy clarified the oversight will be done by our landfill engineering company NWCC along with the county engineer in their scope for their on-going services is an annual contract and this is in addition. Methane monitoring was a large part of that contract and it will remain separate so the monitoring of the data from those monitoring wells will be separate and part of their annual contract. They have already done the requirements for the moving of the material and it is ready to be released. They do the typical engineering observation on any project with the County so the Parachute Interchange has a large engineering contract for QACC and observation and that's what it is.

Commissioner Jankovsky said this contract could go out in the wintertime, which is positive for us because we get excavators all year that are not busy during the winter and hopefully come in with a good bid for this because it is a project where they can keep their employees working during the winter months. We may be high at \$1.5 million but if that's the case then whatever the bid comes in the money goes back into the reserves for the enterprise fund balance.

Betsy said the bids come back to the Board so you will see those and approve the contract.

Commissioner Jankovsky - I'll make the motion that we consider additional funds to move the landfill material stockpile of \$800,000 and take those funds from the Solid Waste fund balance.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### **Answer to the earlier accounting question**

Drew said Commissioner Jankovsky asked about the vehicle donation to Silt or anyone else are simply deleted as assets to the County's list of assets and if they still have any value, then that is taken as a loss. However, the vehicles that were previously donated to Silt and those to be donated now will possibly be fully depreciated without book value and there would be no loss.

### **x. To provide direction to staff regarding the Energy Resources Inventory as the initial component to the Garfield County Energy Plan - Fred Jarman**

Fred submitted the request for direction from the Board to move this Energy piece forward; therefore, today to see what your view of that was, the suggestion simply have is to put together a scope and put out an RFP to obtain some professional help in terms of mapping of these resources for Phase I. We discussed this and where we left it the last time; today I'm here to ask for a funding level for the RFP.

Commissioner Samson said this is something we definitely need to look at and accomplish as soon as possible but done correctly and any amount that is within reason, not saying there is unlimited funds but willing to put money into this so it's done right and think the Kokopelli Pipeline is a perfect example of where we need more direction in this County concerning energy development, a master plan and where we are headed and why the rationale. We know this generally but we need to have some guidelines so when a company comes in before us like a developer they want predictability of some point but we have to look at all things individually but I'm for an energy plan being developed as soon as possible.

Chairman Martin stated we want to make sure it's not just oil and gas but all energy everything from power line installation, solar arrays as it is all energy, haul routes, corridors, what we have in place from WAPA, Holy Cross and the whole works to make sure we can look at those inventories, how it affects the Comprehensive Plan and direction, impacts, property industries and commercial in the right spot etc. It needs to coordinate with the inventories we have and work with the cities, the demands from them in reference to how the energy is delivered and not impacting in a negative way. Commissioner Jankovsky said this is countywide and it is on private and public lands as well.

Chairman Martin said dollar wise it is a tough one to say, let's work on the scope, analysis it and get it out as soon as possible and see what we have for information.

Fred will continue to pulse and have continued to look at different states Arizona, Montana, and counties in Colorado.

Chairman Martin replied there isn't one in the nation. We need to look at our present inventory that we have and also need to get in contact with geology in the State of Colorado as well and perhaps the water districts as that is an energy source we need to look at. It's a big plan but it's something we need to go ahead and start working. No one else that I am aware of has gone into this type of detail issue to establish what the future may be on all energy.

Fred said he has a call into the School of Mines; he will come back with a scope of services, tweak that, and get it out.

Chairman Martin said another touch on it also coordinates with the Health Department in reference to air and water monitoring and how we have in place as part of our inventory in health and safety issues that can play an important role in the energy development of everything. Where are those locations and inventory, it can snowball on us and we don't want it to get too far before we get the foundation.

Commissioner Samson thought Mesa County do this recently but not the same scope as ours.

Fred said they did but Dana in the planning division forwarded their plan but it was limited and more on policy scope on projects that would occur in Mesa County and what they would do but it doesn't go nearly in the direction that this Board wants to go. There are some good things in their policies and will forward that to the Board.

Chairman Martin said the only portion that we have adopted official is the official haul route, which needs to be revamped as well. This shows what the inventory of the roads, strength and surfaces, etc for main haul routes.

Fred said interestingly enough the County Comprehensive Plan has maps in the indexes. This was done over 10-years plus and it maps some of the coal regions, Piceance Basin but this Board is looking for more refined version of those. It is a very broad broach to it.

Commissioner Samson asked when the haul routes were last visited.

Chairman Martin said a long time ago so we need to revisit it.

Commissioner Samson suggested putting it on the agenda and put within the cards there that this needs to be revisited like every 5-years.

Fred will sit down with Deb Fiscus on this and a sense of where the Board wants to go with it.

Commissioner Jankovsky wants it to be a portion of this plan.

**xi. Ratification of June 26, 2012 letter, Ruedi Reservoir, expression of intent. - Andrew Gorgey**

**Attachment Red**

Drew submitted the letter of June 26 signed by the Chair in care of counsel for the West Divide Water; the letter is in the packet. This is a unique opportunity where water from the Ruedi Reservoir rights held by the BLM being released and the line is long, the demand far outreaches the supply but your request was submitted appropriately and on time. This is a substantial increase in our attempt to increase water rights in the

County's name. We did some research and found 15 acre-feet from this entity primarily used for road and bridge projects. This request is for a 1,000 acre feet. This letter is non-binding and can be changed. It's uncertain how much the County will receive and the cost will not be for 2012. This is an expense for 2013 or 2014 and 1,000-acre feet venture a guess of \$2 million if you get it all.

Chairman Martin said they were dealing with 20,000-acre feet but there is a long line of people that want to buy water and hold on the Western Slope without a diversion.

Commissioner Jankovsky said that 20,000 acre feet and 10,000-acre feet is going to be purchased by the Grand Valley Growers out of Grand Junction so there would be 10,000-acre feet available. When people are looking at this they will say, Garfield County doesn't have water systems and why are you purchasing 1,000-acre feet. This is something we are doing for 20 to 50 years in the future and does help protect the municipalities especially Silt, Rifle, New Castle and Battlement as those water resources become more stressed and fewer of those resources are protections for this County and municipalities in the future.

Chairman Martin said it also keeps it from being diverted to the eastern slope through contracts, renting or other uses we can establish through West Divide and the River Conservation District. It is a wise choice and find a use for it so it doesn't get diverted.

Commissioner Jankovsky - I will make a motion that we approve the ratification of the June 26, 2012 letter to potentially purchase 1,000-acre feet per year from the Ruedi Reservoir.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

#### **4. County Attorney Update: Carey Gagnon**

Carey asked to give the Board some legal advice on negotiation regarding several real property transactions so a request for an Executive Session was made pursuant to the Colorado Revised Statute 24-6-402(4a and b)but no action at this time.

Commissioner Jankovsky - I would move that we adjourn to Executive Session for the reasons stated.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

A motion was made to Chairman Martin asked for a motion to come out of Executive Session and Commissioner Samson so moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote



Carey said there were no decision that need to be made today and instructions were given to negotiators regarding the real property transactions and legal advice was given on the same. No action at this time.

Chairman Martin noted the only pending item from this morning is the Kokopelli Pipeline Resolution and we will continue to discuss that item after 1:00 p.m.

Carey's timeline for the afternoon session was fine however, preferring the topic regarding the Service District application that came in last Friday so we may seek direction. Then to follow up with the fire sprinkler requirement since it was noticed and then take up the tabled item on the resolution.

### **LUNCH - Noon**

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

### **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

1. **County Attorney Update - Land Use Issues: Carey Gagnon**

2. **Public Meetings:**

**3. Public Hearings:**

**a. Fire Sprinklers Requirement- International Residential Code - Andy Schwaller**

**attachment building code amendment fire sprinklers**

Andy Schwaller presented the notification required under the statute.

Chairman Martin swore in the speakers.

Andy said the way the Building Code reads, fire sprinklers will be required in single family residents under the International Residential Code and this was discussed in 2010 when this was adopted to bring that up for discussion prior to this time. On March 13, 2012 we have a meeting to discuss that specific issue, many points were brought forward for and against for requirements for sprinkler systems. The purpose of this meeting is to formally decide if you want sprinklers or not. The way the Code is written now if we do nothing at all, it will automatically go into effect. If we do not want fire sprinklers in single-family residences, we do need to amend the Code. In the Board's packet is the proposed amendment. In Exhibit A, Section R313 "Automatic fire sprinkler systems are an option unless required by the subdivision of PUD zoning. If installed, the systems must be designed and installed in accordance with Section P2904 or NEPA 13D. There are some subdivisions in the County that part of the PUD approval was a requirement for fire sprinklers and sometimes it's based on the square footage of the house. That still applies but won't apply is a general rule for sprinklers in single-family residences. At the end of the day, staff requests a formal motion and vote be made

whether or not to amend the presently adopted Garfield County Building Code of 2010 to delete automatic fire sprinkler requirements for the 2009 IRC.

**Public comments**

Richard Gessner, Business Agent, District #4 Road Sprinkler Fitters U.A. Local Union No. 669 who represents over 500 people in this area and over 10,000 people nationwide saying he was unaware of the meeting till Friday and didn't have time to put together a lot of information. He submitted Exhibit B with residential building property types and rounded national estimates of people who have died and the amount of money it costs in homes that were not sprinkled. This is nationwide. At least the Commission should look at continuing this bill instead of making a decision today. He suggested putting a technical committee made up of contractors, fire marshals, people in the industry and he made calls to people he deals with at the state level. The Fire Marshall's Association was notified and had fire fighters from all over the state show up. Chairman Martin said we have been doing this since 2010 and had meetings and work sessions on it with input from the different folks for the last two plus years.

Richard asked if the Board would be opposed to a technical committee of professionals in the industry.

Chairman Martin said we're never opposed to anything at the moment we are having a public hearing and your presentation for consideration either for a decision or not.

Richard G. - I would ask that you postpone your decision until you look at the information and truly get into the meat of the subject.

Chairman Martin - That is a request we can consider.

Richard G. - You cannot put a dollar figure on the lost of life.

Chairman Martin - True.

Kevin Whelan - Burning Mountain Fire Marshall for Rifle Fire Protection District and submitted a prepared statement that has been approved by the fire chiefs in Glenwood, Burning Mountain and Rifle stating we support the sprinkler systems in all single family homes, it protects lives and property is the business we are in and some of the information presented to the BOCC in opposing to fire in residential sprinklers at the March 13, 2012 Work Session was inaccurate and misleading. These fire districts request the BOCC to reconsider the Garfield County Fire Chief's request to form a working group of all interested parties to make recommendations to the BOCC on this issue. This request was made at the March 13, 2012 work session. These fire districts respect the authority of the BOCC to have residential sprinklers removed from the IRC. If the BOCC decides to remove this requirement from the Code then these fire districts respectfully request that the County become an active partner in educating the public on the benefits of residential sprinklers. There are many programs to partner with and we would suggest an informational bulletin on the benefits of residential sprinklers be issued with all residential building permits in the County. We would be glad to assist in not only this project but others as well. These fire districts like the BOCC to affirm that in certain instances the fire districts may require residential fire sprinklers as a trade off for homes that have inadequate water supply, inadequate fire access or other fire code issues. We have done this in the past and want to make sure the BOCC's actions do not nullify this option or mislead the public. Again, our Mission Statement that Rifle Fire exists to protect the life, home and property to the people we serve as such we respectfully request that the BOCC not remove the requirement of residential sprinklers



from the IRC. On a personal note, I've been involved in emergency services for close to 32 years now. I've seen the destruction of fire on homes and the lives of people who are fire fighters. I have attended fire fighter funerals and help and comforted people who have lost everything. I need to continue to do this but I also have to do it with the knowledge that I've done all I can to prevent the effects of devastating fire. Residential fire sprinklers work, residential sprinklers save lives. I acknowledge residential sprinklers won't save all lives or all properties but they will save them. We have the technology through residential sprinklers to do this. This will not happen overnight if the IRC is not changed today. The benefits will not be seen until our children and our children's children are in our place. This takes vision and political will and I respectfully ask the BOCC to keep the requirement of residential sprinklers in the IRC for this Code cycle and those to come.

Commissioner Samson asked to have a copy of his statement.

Chairman Martin said we could make copies and put that into the record.

Commissioner Jankovsky asked a questions of Mr. Martin, on individual fire districts if they go individually into the district and say we want to have sprinkler systems in our fire district can they do that if we deny this in the Code.

Chairman Martin said we usually do, land use outside the fire district in reference to the fire prevention so it falls underneath the Sheriff. The base of what the County does in what we hand to the sheriff for reviews is the base. The fire districts can add on. The fire districts can make that request within their jurisdictions.

Ken Smith requested to comment saying he was an architect, for the individual district to require residential fire sprinklers it has to come back as an amendment to your Codes. They cannot arbitrarily say, "Well our district we want residential fire sprinklers." It has to be done through a Code process.

Commissioner Jankovsky said then that district would have to come to us.

Ken Smith continued saying that's the way the fire code was adopted for all fire districts. Each district can come in and put additional amendments for their district there but how it works with and perhaps the new County Attorney can answer better, this would have to be an amendment to the residential code, not the fire district. I don't know if the adoption of the residential code is a different animal than the fire code.

Commissioner Jankovsky said okay so that would become part of the ULUR.

Carey said it would not become part of the ULUR.

Commissioner Jankovsky corrected to say part of the building code.

Carey confirmed that to be correct.

Kevin said to clarify further the 2009 IFC has a section in the Code that applies to the Fire Code to the Residential Fire Code and the County Commissioners have already exempted that from the International Fire Code, we are in the process of representing the fire code to us and we're having that in a public hearing process.

Chairman Martin said to bring some uniformity to the application of codes that are outside the fire district is where all this started.

Richard Meyer from the Western State Fire Protection and have been installing fire sprinklers since 1986 in a variety of different places and am honored to be able to sit in front of the distinguished Board of County Commissioners and say what I know about fire sprinklers. The information taken down to share with this Board is from two different sites, one from the FEMA website and from Fire Marshalls.org. These statistics are

national and not Garfield Countywide. Fires have an average cost of \$7.3 billion dollars of impact of cost. In a house fire, when a fire starts it takes 30 seconds for fire to become uncontrollable. Then 2 minutes later a fire can become life threatening. Within 5 minutes, a home can become completely engulfed in flames. That's not a lot of time for a fire department to respond to a home fire. In essence, what happens here is what we do we come in and put a fire fighter 24/7 in each room of the home that's on duty non-stop. That's what a fire sprinkler is the first responder to any fire. That one single fire sprinkler can stop that home from becoming engulfed and endangering the lives of the residences, lives of the family and the lives of the fire fighters that respond. As is seen in our state recently we deal with fires that are spread from home to home so this is a phenomena that is happening but what we want to try and avoid is a home starting on fire becoming totally involved then spreading to another home. If we can nip it in a room, we can avoid that scenario from happening. Since 1996, I've been doing this and the fire sprinklers were quite expensive, the industry has made great strides to try to bring this cost down and continues to make improvements in the type of piping, material and being flexible with labor issues. Everybody in that home doesn't have a choice of whether they want fire sprinklers or not. You have homeowners that live there; landlords that rent homes out, infants, elderly and other occupants don't have this option. The person building that home is where it starts. I am a fire sprinkler fitter and not a public speaker.

Bob Jenkins thanked the Board for having this meeting and the amount of work that has been done over the last two years studying this. I am the head of the Governmental Affairs Committee for the Local Homebuilders Association and I sit on the Governmental Affairs Committee for the State of Colorado Homebuilders Association. The important conclusion we make today before voting is removing this mandate does not prevent these gentlemen from installing fire sprinklers, they can sell to homebuilders, consumers and homeowners to put these in by eliminating this mandate.

Our objection as a homebuilders group is the fact that its mandated and in fact there are very few effective solutions which are must less costly those being smoke alarms and they have been shown to be very effective, they are much more economical and more importantly they can be upgraded and implemented into all structures in your County not just the new construction. When we're talking about saving lives and economical choices, smoke detectors get this job done and Andy as a building inspector has plenty of leeway as all structures in the County come up for remodeling they can upgrade their smoke detectors to the very latest standards and it cost very little to do that. The old days of just having a battery-operated smoke detector is easy to retrofit and make sure they are operating 24/7. Fire sprinklers are very expensive, we can see that they work but the data is not there to show that the cost nationwide is there to justify the few number of accidents that happen to support the cost; it's not just the initial installation, it's the annual inspections, maintenance of the system and the increase of water damage in the house. Our conclusion is simple we agree with some of the speakers here that the fire sprinklers do lower home damage but the point is if the insurance companies, which are the guys eventually on the line for lowering the damage to the houses really wanted it, they would be here testifying in favor. In fact, the insurance industry recognizes the potential water damage is as great, their exposure for claims from homeowners could be equal, and why they are not involved in this fight. I think the

bottom line is you've studied it extensively for a number of years and hopefully come to the right decision that this mandate by the government to do this is not necessary at this time, there are cost effective alternatives and we recommend you give Andy the freedom as the building inspector to consider these and all these gentlemen that want to see fire sprinklers certainly have the right to do so and we commend them in educating the public to buy fire sprinklers and homebuilders will be glad to put them in when the customers start demanding them but we don't feel it is necessary as a government mandate. We hope you will eliminate this section from the Code.

Raymond Gibbler is the owner of All-State Fire Protection and been working in this area since 1969 installing sprinklers and started as a fire sprinkler fitter. Throughout the years I've watched all the codes and listed to all the stories and have heard how when they started smoke detectors that we didn't need them. The one thing known is the IRC was put together when the 2009 came out the implementation of it included sprinklers. It wasn't an add it was an inclusion into the Code. I truly believe and so does a group of other people by taking that out of the Code you damage parts of the Code. I'm sure that you guys have already addressed that but it is a system that saves lives. Residential sprinklers were never ever designed to save buildings only lives. The 2,000 to 3,000 people that die annually in houses don't need to die if you had sprinklers. As a grandfather and children throughout all the 43 years I couldn't count how many times I went back and replaced sprinklers and people said if this would have happened or that or you look around and you see who could have died in that room if that sprinkler didn't put it out. Another clearing factor about sprinklers is they take 1/10th of the water that it takes to hopefully put a fire out if they get there in time. The fire department can quote all the numbers but the running at nearly 50 gallons a minute, which would be the top end, if they ran for 10 minutes and shut off it's easy to figure even at 50 that's 500 gallons of water. Fire department is going to get there and dump 1000 gallons on it so quick the head would spin. That argument about how the water damage does and when we come in and replace the sprinkler, they bring water vacs in and clean up the water and leave and it's all over. What I want everybody to understand is a fact that these are designed to save lives and it was not put into the Code to make people extra money or to increase the carpet or new tile or anything like that. I will tell you this, they work, and the reason for it is perfectly well for your County. There's miles and miles between houses and between people and I really cannot understand why a person would even think about taking a fire sprinkler out of it when all it takes in one person to put a fire out. I don't understand the reasoning on the pricing with everybody going about the cost, we're doing systems in Denver for \$1.15 and there's some huge houses, I've been working in Aspen for years in fact the Prince Arabian's house and the sprinklers in that house were about 1/10th for just the outside lawn. I watch them take these Codes apart all the time and it's like well I guess you can but the only way it's going to be there is if it's required or a lot of people from California when they came out here wanted a fire sprinkler and more people in Colorado after all of these houses burning. What I'm asking you very honestly is the simplest thing to do if you would do it is just give us some time to come in, sit down and go through some of the other issues we have with it. Many of my guys live and work in this area but all I'm asking is with your great thought and intelligence just decide to take some time and let us go through it some more or let us help you make a decision.

Steve Allen - Western State Fire Protection and a newcomer to the industry for about 5-years. I had no idea of the impact when I started and have learned a significant amount in the last 5-years and was shocked if I ever build a home, I will have fire sprinklers. One point not heard is when they wrote that 2009 IRC there were many concessions made, price has always been an issue. They incorporated other price saving measures in there as far as ratings in walls and added the fire protection and if you cut that out you de-rate your building and also not protecting it by giving you a below standard housing. I would encourage you to again wait if there's not a decision today to listen to some of those arguments and give them more consideration. If you take the vote today it doesn't mean it can't be formed where you have more time and not under a rush and we could study it for another year and accumulate a lot more intelligent data and see what the numbers are, it would be tough to do in one session. Chairman Martin relayed we cannot wait a year because if it doesn't have action one-way or the other it's automatically included.

Commissioner Jankovsky moved to close the public hearing.

**Motion to close the public hearing**

Chairman Martin added the options. The motion is on the floor now to close the public hearing.

Commissioner Samson - I would think it better not to close the public hearing, leave it open and my wish would be to form a working group of those interested parties and go forward as has been requested of us.

**Substitute Motion**

Chairman Martin asked if that was a substitute motion.

Commissioner Samson - Yes.

Chairman Martin said the substitute motion on the floor is to continue it and form a working group, a date specific or a way you would go about it.

Commissioner Samson said we would have to have the administration, do we have anything for the 24th of July that we're aware of.

Drew said no you have the regularly scheduled Board meetings for the month of 2nd, 9th and 16th, and you've added also the 23 at 1:00 p.m. to consider finalists for the County Attorney's position. I'm not aware of anything scheduled on the 24th. I think the suggestion is a second work session on the topic as distinguished from a working group to study this, you've already had one work session in March and three months have passed and the training and implementation to be in compliance with the January 1, 2013 deadline does compress the time available.

Commissioner Samson said I'm not so sure we want a working session, I think they want a working group and what would be the difference between the two.

Drew said it would be up to you if this is a working group advising you, first of all citizens are free to form a working group of any type on any topic at any time without the assistance or direction of government so I want to be very clear about that. To the extent you want to work together ask what that would look like and the two primary constituents are home builders and fire protection professionals and trying to get them around the table to come to some conclusion and that may or may not involve our whatever local fire protection districts that are not represented here so if you're directing

county staff to organize such a meeting or meetings I'm happy to do that and if there are other ideas on how best to pursue, I'll help however you ask me to.

Chairman Martin said the other question is are you going to participate on that and is it a work session or are you going to take the advice of the group that comes forward to make the decision.

Commissioner Samson thinks we need to be involved.

Chairman Martin said that would be more of a working session with the invited professionals.

Drew said the suggestion I would make since much of today's testimony was similar to the testimony at the March work session I would add from both sides that the target of the July 24th session should be specific requests for changes. The new information to my ears was trying to offer a Code Amendment that would somehow grant discretion on a district-by-district basis and I don't know the law behind that but it was new to me from when we discussed this in March. If there are size requirements, if ever a rental whatever the working group might produce but those were some of the ideas.

Commissioner Samson said that was the recommendation that we want to go as a working session where the two groups come before us on July 24 with their hopefully combined solution so we could discuss it at that time.

Drew said you could I think you pointed yes we can do that and what I would say is to schedule the work session on the July 24 from 8 to 10 and then I will schedule and facilitate a meeting at a minimum of the persons here today who are interested enough to come and talk today here in this room at a date to be determined prior to the 24th.

Commissioner Samson suggested staff and Andy meet with them and all those people and then on the 24th everybody comes together.

Andy said my own personal opinion is if the homebuilders and the fire guys got together that's the people who are having the most grate between them so if they came together it would make your job easier and my job easier rather than pulling the government into that also.

Commissioner Samson said that's why you guys need to work together in your working group.

Chairman Martin said but you can't require them to do that, that's the thing and the ultimate decision is on this Board.

Commissioner Samson said I know that but that's what we're trying to get them to do. That's what they are asking for gentlemen. That's what I would like to give them.

Drew said I think it's too ambitious to try and schedule more than one working group meeting so you'll have the work session on the 24th from 8 to 10 and actually ask that you continue this hearing to that date if this is the will of the Board so you can take action on that day.

Chairman Martin - It would be a special meeting and not a work session.

Drew confirmed that was correct.

Raymond Gessler said we've negotiated many many times on Codes and they've been negotiated for years. The Code, people come in and change things; but one of things by sitting with the fire marshals is your building chief, if we can figure out where you're actually trying to go because I'm looking at it from the outside. All of the sudden we're taking a Code out and I've heard what you're saying if we know where what a person's wants and what they're trying to go to there's a lot of thing you can do within the Code

but fire protection is a usual item that's been used for years. So if we can get together as a group that's...

Commissioner Samson said I think that's what you should do and come back before us with some alternatives and options. Here's what we really want and I'm sure he's going to say here's what we want but here are some different options that you could do.

Raymond G. - Some of the Codes have been adopted straight up, a lot of them have been moved around and the fire chiefs let me tell your fire chiefs and fire Marshall in this area have many good ideas on what they want out of the Code and what works for them. To be honest they are the ones that will have to fight the fires and live with it. I'm telling you I'd do whatever; however, we can resolve it to a very meaningful solution. Commissioner Samson said he appreciated their willingness to do this.

Bob Jenkins said I think one of the other really critical groups that need to be involved if you're going to have any more work sessions as Andy brought up the industry is very much in favor of getting a government mandate to install this work; the homebuilders are very much opposed to a government mandate to install this work. But a lot of the discussion, what are we going to have different in another work session as Andy brought up whether we are going to agree on. The critical thing we don't have that I think needs to be suggested to this work session is the actual data from the fire chiefs so we can see how many homes of their calls have actually burned to the ground in Garfield County where this would make a difference because that's the piece of data that...

Commissioner Jankovsky said he wouldn't say how many homes burnt to the ground rather how many lives lost.

Bob Jenkins said but we need to if that work session is going to proceed, I think the fire marshals need to provide with the actual data. That is because we're just talking about national statistics and everybody else's statistic we're going to make a decision in Garfield County. Let's get the actual data on the table so we can see exactly how many lives we're saving, potential lives saved, potential property would save versus what the cost of implementing the program.

Commissioner Jankovsky said homes that have been build in the last 30-years and what's the value of those homes...

Bob Jenkins said we've studied this for a while, I think the other thing is we need a work session now if you put as you said there's only a short amount of time and we've been studying this for a while, if you decide to go ahead and take the vote today, it doesn't mean this can't be formed and where you've got more time and you're not in a rush and we can study it for another year and accumulate a lot of intelligent data and see what the numbers are, it will be tough to do in one session.

Chairman Martin said we couldn't wait a year. If it doesn't have action one way or the other, it's automatically in.

Commissioner Samson said here's the quandary I'm in, he just recently build a new home and didn't put sprinklers in it, didn't even think about putting sprinklers in it, no one even approached me about sprinklers but as I understand that would have cost about \$10,000 more if I had done it. The point made by Mr. Jenkins was this doesn't preclude anybody from doing that, if they want to put in a sprinkler system in they can. I think there's a lot of people out there that will say I can't afford to do that and I chose not

to do it for whatever reason, financial or worried about the water damage, rightly for or not, whatever. The crux of the matter as I see it is when we start talking about protecting people how far do you go. I think most people say it's a good idea for us to have seatbelts and some don't like seat belts and don't use them. But there's laws against not having them and not using them. Most people would say seatbelts are a good thing, so if we use that for sake of an argument we'll give that point and say that's a good thing that was legislated for seatbelts. But let's take the story now to homes, could we reasonably say, we're going to build all future homes made out of flame or fire retardant materials and we will legislate that. Thus, we guarantee that nobody's house will burn because it can't catch on fire. The materials to build the house won't burn, can't happen. Now that's ludicrous but I'm trying to make a point here where is the line drawn as we protect people. If we did that most people would say, I'll never have enough money to build a house, I can't afford that so is it better to say well we have statistics that tell us that if we put in sprinklers it will save lives. I believe that it does or is it better to say, you Mr. Single Family Dwelling Unit Builder have a choice. You have the choice, you know that can save your life, families and anyone staying in your home or you can chose to pay the extra whatever amount it is and have that added assurance that your house is not going to burn or probably won't burn, so for the sake of argument whoever wants to answer that please come forward and answer it for me.

Raymond Gibbler said as a public official I'm sure everybody goes through the fact that we don't want to put too much into the Code or too little in the Code. But my first point of Mike's speaking was the IRC has already implemented sprinklers within the Code and part of that Code is using sprinklers to lessen the amount of building materials. Has anybody looked back to see what we'll have to do to correct the Code back to where it you can take care of all of the sprinklers that aren't going to be in it. There's many tradeoffs and it's always been in the Code for fire protection. Years ago I made most of my money going in and working deals to where we traded to get a building bigger or lesser egress to do all this stuff with sprinklers. What I'm saying now is my understanding in talking to numerous since Friday afternoon when I found out about this meeting, this is part of the Code, that's what I'm saying be very careful about what you're doing, you are taking part of the IRC Code out and the reasoning for putting that Code together and using sprinklers is to be build buildings cheaper, no longer do I go in and hardly do anything with the Code. The IBC and all of them have used sprinklers in the Code and already adopted within it. That part I understand, that's one of the things you guys want to be very careful of but the other part and I'm sure you guys have addressed parts of that, the part that I'm going to say about sprinklers is I don't know where we stop doing public safety. We require footage on hydrants, we require egress, storage and will need to increase storage in the outlining areas with a larger tank in lieu of sprinklers, there's many thing that have to be put back in but as many ideas as people say, let's get rid of smoke detectors. I remember when no one wanted smoke detectors. The evolution of buildings has become fire protection fire sprinklers are a very intriguer part of building today and it's a public safety building. Rich brought up a good point, this Code just doesn't apply to individual owned houses, and it applies to rental units and to one and two family dwellings. The person living in that house doesn't have the right to say I'm going to put sprinklers in or not so as a public official, you guys have pressure on you to decide what is in the Code and what shouldn't be. I'd go back

to what I said before, just wish we had known about this meeting earlier and I would beg you to withdraw the decision today and maybe get some more input into it. There is a lot of knowledge out there that has gone into these codes and there's a lot of knowledge maybe set up another system and another way to look, remove it, or change sizes, in Aspen it's 5,000 sq ft but that's what I'm asking more than anything else. You are right I'm a registered Republican and I don't want any more government helping me but I know what these sprinklers do and they do save lives. The problem is the person who's going to die in one of them houses is not going to be the one that made the decision. That scares me; it's the dangerous part of the whole thing. When you know something works, it's passionate to me. The decision to take it out of the code is a different and somebody saying I'm going to change the way we do carpentry. We have in the Code fine terms of how you build that building. There's like a one-hour separation and there's all different codes in there and what I'm telling you part of the one-hour separation if you code in the IRC Code it says if you go between two dwelling walls if you're fully sprinklered with a full 13 which is a different system, you only have to go half-hour separation. It's build into the Code and not something that you just say we're not going to do that, I guess you can if you put all the parts back in, people can do anything they want but that technology in fire protection is nothing more than different types of systems we're using to build these houses.

Commissioner Samson thanked him for his answer.

Commissioner Jankovsky questioned Andy for a multi family home at what point in the Code do they have to be sprinkled say a condominium complex.

Andy said a condominium complex that meets the IBC has to be sprinkled the only thing we're talking about here are one and two residential family dwellings.

Chairman Martin said that's on new construction and not existing.

Commissioner Samson said the last question is all the fire people here are united in waiting this to remain in the Code, correct. And all of you at the very least would want us to form a working group to at least study this more and get more input from you as the first request. Everyone feels that way.

Commissioner Jankovsky for Andy, so we haven't sprinkled up to this point but we're using the IRC since 2009. Was there discussion about using dry wall does not have as much fire protection type of thing and we haven't been using sprinklers until this point then those are things in the code at this time.

Andy - When we adopted the Code not to include the sprinkler requirement in 2010, we made other adjustments to the residential code so it would still work without the sprinklers. Many of the tradeoffs the gentlemen talked about are under the IBC and we're not touching those at all. They are still there.

Chairman Martin asked Andy and Fred for his conclusion.

Carey said just to clarify that at this point it was properly noticed and so you can may proceed with a motion to approve the changes, deny the changes or continue to a future date if you're interested in hearing back from any sort of working group. Those are your options.

Chairman Martin asked if there was a motion to continue this meeting or a motion to close the public hearing.



Kevin Whalen of Rifle Fire can give the Board some rough data off the top of my head where we've had single-family structures in Rifle alone. There have been zero human lives lost, there's been 17 pets that perished in those fire and so that is rough and tumble. Out of those 8 fires, I believe 5 of them residential sprinklers would not have affected the outcome of that fire because they were fires from the outside baring in. There is some rough data to hopefully help you make a decision. From this work session group again and even from today; I sit back there and shake my head with some of the information that is presented to the Board of County Commissioners, which is just not true from the information that I have received. My personal concern is that you guys make a decision with the proper information. If it is a decision made on individual choices there is no debate there, that's a line you draw between personal choices in your constituency and if that's the deciding factor then the work session in my opinion would not be appropriate but we would like to get the accurate information so when they give a figure where did you get it from and when we give a figure where did you get it from so that's the type of work session that I'm looking for and what are the facts of this and if we need local facts we can do those but we focus on the lives but it's also the property and we talk about the Dream Code and what do they do but pick up burnt buildings and toss them into the dump and the air pollution along with that line, your question about the construction and differences. One of my main points why I want residential sprinklers is 30-years ago as a fireman I could dance on the roof of a building for 20 minutes after that fire started and guess what it was solid lumber and not made out of the glue, it didn't have gusset plates, it was solid lumber and it wasn't insulated that well and the stuff inside didn't burn as hot as the modern day furnishings. Really, to me residential sprinklers are a reaction to the building trade changes that have been implemented over the 30-years as a fire fighter. They are building structures lighter, they are more combustible with all the glue in it and they don't hold up against the heat of fire, they are building them tighter so when there is a fire it holds the heat in more so that fire propagates more and the materials in the buildings put out more BTU's now that they ever have. That's one of the main issues here it's just a reaction to the changes that have already happened in the building trade.

Ken - I think Mr. Jenkins point was very well made is maybe before this work group meeting or work session is the Commissioners may want to direct the fire districts to assemble hard statistics, lives lost in code compliant buildings. They should be able to give you continuation sheets, live lost, year lost, was it code compliant or not - simple. If there were 5 lives lost over the last 30-years, again the Commissioners may need to come up with a number in their mind.

Chairman Martin said that's one of those hidden statistics and that is the code changed over the last 30-years and how many times did it change and what code do you use. If you have over 30-years and in 1982 how many times have we looked at the code, Ken. Andy clarified the code is changed every 6-years.

### **No second to the motion to close the public hearing**

Drew clarified a few terms; we use the term Special Meeting, Work Session and Working Group and the procedural posture right now. A motion was made and seconded today to close the public hearing, there was a substitute motion to continue... Chairman Martin - I'm waiting for clarification on the motion.

Drew then to the other terms I spoke with Jena and what asked her to do if you chose to go this direction to offer 3-times prior to what will now be a special meeting on Tuesday, July 24 at 8:00 a.m. if you do that.

Chairman Martin needs the clarification if the motion will withstand a second and at that make a decision.

Ron Biggers of Glenwood Fire and just a couple of things to add Commissioners, we're looking for being one of my jobs is being pro-active and I know everybody wants to look at what's happened in the past, that's one predictor and you guys get faced with what will happen with oil and gas, this and that. If you had a crystal ball, you might be able to answer those. Our job as fire protection people is to try to look at the front of everything. Codes as good as they are, are mostly based on what comes through the pager and people have died of certain things. This is a process where we know it works, just like you have laptop computers. I don't see a big main frame here. The technology is there to save people's lives and that's what we're trying to be as pro-active with doing that for people who cannot make the choice. One of the big statistics is most fire deaths happen with children under the age of 6 years and older adults over the age of 65 years. That's part of it and disabled people so it's find when you can make your own choice but when you sell your home that person are they going to retro fit. It's trying to be out ahead of that, we can't make predictions, it's just like this drought season, we can tell people it's coming but we can't tell you the exact date and when. Colorado Springs High Park is going to lose homes, we can't tell you that. We want to be pro-active and I welcome the opportunity to be part of a work group. I don't know if 2-weeks is a long enough time to get that group together to get a good representation of building people, sprinkler people, insurance people all the players in this so you guys can get the full input.

Chairman Martin said it doesn't have to end after the first meeting, it can be continued after that as well Ron but we do have a timeline and that is to make sure Andy has enough time to train his people or not.

Ron said, again like I said in my email to you whether we even have a motion to extend it maybe its next July to enact it whatever.

Chairman Martin said it goes into effect January 1, 2013.

Ron said he didn't know if that was set in stone and Chariman Martin replied it is. We have to make a decision one way or the other. Either continue it or change it.

Commissioner Samson was wondering if the July 24 too quick, that's 3-weeks from now. Andy how long do you need to train people, 3-months is that good.

Andy replied that we need certification so it's taking a test and have on inspector who's a plumber for the residential code, have to get the other inspector up to time and also the plans examiner so at least 2 or 3-months to allow them to do that work and have time to take the tests.

Commissioner Samson said perhaps we're rushing it.

Ron is willing to help Andy out if he needed it. Most of the fire districts have certified people and just like we do wildfire, do it district by district.

Commissioner Samson said if you have 3-months, it would be okay.

Andy said he thinks so.

Chairman Martin - Your motion has not been seconded. Do you wish to continue the application of...?

Commissioner Samson said maybe take it to a later date, the last part of August and that gives them plenty of time to come together if they need 3-meetings.

Chairman Martin asked if Commissioner Samson was going to take part in the discussion or just allow those concerned groups to sit down and work it out themselves with the recommendation.

Commissioner Samson said I would like for them to do is sit down, all the interested parties, our staff, the builders, the fire chiefs, insurance people if they want to come to the table and say what they need to say and present their facts and we would request brought forth for the data for Garfield County and those things to bring to the table, everybody brings county statistics, sit down, hash it out amongst themselves and at that time they say this is what we will present in a work session to the Commissioners. We will say here's what we would like and here are the options, then the other party says here's what we like and reiterate if need be the options. I hope that they can agree on the options. Then this Board will have to make the decision.

Commissioner Jankovsky said I do not wish to second the motion. I'm opposed to mandates, very much opposed to mandates and opposed to unfunded mandates, opposed to what the federal government does and how government becomes bigger and these laws, rules and regulations come down to run our lives, I think in this case I'm very much opposed to this. We're looking at safety and we're looking at welfare of our constituents but I'm very much in my beliefs and how I look at life, I'm opposed to mandates. This to me is a mandate.

Commissioner Samson understands where Commissioner Jankovsky is coming from and I agree with you most of the time but when I have as a Commissioner a united front come at me from people who have dedicated to fire fighting ask for more time to work out some kind of a solution, I think it would be wise to give them time to try and work that out. It doesn't guarantee it will but I understand where you're coming from.

Commissioner Jankovsky said he desires to...

First Amendment to continue the meeting to July 24, 2012

Chairman Martin seconded Commissioner Samson's motion so we can continue to the discussion and on record that we have the substitute motion with the second, now the debate.

Commissioner Jankovsky said I believe that the fire districts will come back to us district by district and once they do that I'm willing to listen to them but overall the County, I'm not in willing to make that decision today.

### **Original Motion**

Commissioner Samson agreed to vote and said the original motion said 24 July.

I'm wondering if that's enough time. Why rush it if they don't need it rushed.

Chairman Martin said the rules allow me to take one more amendment.

Commissioner Samson suggested 21 August.

### **Second Amendment to the motion to continue**

Chairman Martin clarified the second amendment to the motion is August 21.

Chairman Martin seconded that one as well so we can vote on that issue. The date has been changed but everything else is the same. The only discussion I have is there's no question that sprinklers can save lives and the installation and maintenance does cost money and the sprinklers are good and they are still an option and they need to be looked at that as an individual choice and also the sprinklers need to be in public

buildings as they are, commercial buildings, apartment buildings, schools and multi-family units, child care facilities, senior centers and all the other issues are already in that Code and they are required. The only option we are talking about now is the single-family new construction and that's what this discussion is all about.

Commissioner Samson said it also includes duplexes.

Chairman Martin said and they are new and also see this as mandatory retrofit, one step at a time, number one, all new construction then mandatory on all buildings, I see that coming down the pipe if government works the way government works. Call for the question and that is to continue the meeting to August 21 with the direction to the different interest groups.

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner John Martin	FAILED

Commissioner Jankovsky – I will make a motion to close public hearing.

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	CARRIED

Chairman Martin said we're back to the original motion that Tom gave and that is to close the public hearing. Following the rules gentlemen. This is your government in action.

Commissioner Samson said the original motion is ....

Chairman Martin said is to close the public hearing.

Chairman Martin said we have a motion to close the public hearing and now do we have deliberation.

Commissioner Jankovsky stated he has pretty much stated his thoughts and concerns.

Commissioner Jankovsky - I would like to make a motion to amend the presently adopted Garfield County Code of 2010 to delete the automatic fire sprinkler requirements for the 2009 IRC and then switch back to Section No. 24, which is automatic fire sprinkler systems are an option unless required by the subdivision or PUD zoning, if installed the systems must be designed and installed in accordance with Section P2904 or NFPA13D.

#### **Discussion and Deliberation**

Commissioner Samson said as stated earlier and that may be the way it is etc and may or may not be the best way. I'm saying when we have a united front of professional people that have dedicated themselves to safety of their community come before us and say we would like to work together with the industry, pull in all the interested parties to see if we could come to some satisfactory solution, it warrants and behooves us as a Commission to at least have a chance to do that and there is not a rush that we couldn't let them work together to do that and then the Commissioners make a decision on August 21 or August 22 or whatever it is. Maybe at that time we would say we've seen

the data, you've had your best pitch etc and we decide we want to take that out, which it appears you two gentlemen are going to do in a few minutes. That might be the solution here, but think we should at least have an opportunity to work towards that as it isn't like it has to be decided right now. But if you two think that is not worth the time and effort and are going to make up your mind, then I understand why you're going to vote the way you are going to vote. I cannot argue with that, we are all united on it, I just say let them...

Chairman Martin commented we are not taking sides; we are just going ahead and make a decision on the right information.

Commissioner Jankovsky said this is going to come in front of us again and it will come from the individual districts. We expect to see that and ask as the individual fire districts do come back that they do as Commissioner Samson has asked here and include not just the fire fighting personnel but include the homebuilders and have a good discussion and a good understanding of what your constituents want and with that he has stated his other reason for how he will vote.

Chairman Martin said all I can tell you is these guys are definitely dedicated, definite passionate and sprinklers can save lives as said and they are a good thing, but they should be an option for those who build a new facility. Those that want to retrofit or built afterwards have the same option to either continue it or work to put a retrofit in as they do today on existing homes. That is a personal choice and plan to protect personal choice and not a government mandate, it's his philosophy and if an individual wants to take the risk and take the consequences, if you're willing to go ahead and eliminate that as much as possible, God Bless You. Thanks for doing the right thing but not as a mandate that someone has to make that choice.

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	CARRIED
Tom Jankovsky	John Martin	

### Kokopelli Pipeline

Chairman Martin to Carey Cagnon, you were charged with a duty and asked if the goal had been accomplished.

Carey stated that first to correct the record, we did receive a service plan last Friday, you will receive details on it but it won't be until next Monday on the matter tabled this morning and that is the Resolution on the Kokopelli Pipeline. She has 3 possible approaches to this based upon what you discussed this morning. The first possible option and it's still my recommended option is to move forward on the form resolution as it was presented to you by staff and included in your packets for today. The reason for that is that it is our form denial, the same form we've used historically in the past with other denials and it is the reasoning behind making that highest recommendation. However, because there was discussion this morning regarding the Conditions J4 and J5 your other options are to remove one or both of them, hearing Commissioners headed in the direction of removing J4 which would eliminate any reference to compliance with the Unified Land Use Resolution.  
Commissioner Samson - No J.5.

Carey acknowledged the clarification and correction but it would still maintain the language that is it still not in general conformance with the Comprehensive Plan and then the other option is based upon the request from the applicant and Mr. Vaughan that both J.4 and J.5 be omitted. I am prepared with Resolutions for you to move forward however, you would like with those three possibilities. That discharges what I was requested to do for this afternoon.

Chairman Martin asked for comments from the audience, Phil any comment to make. Phil Vaughan with PVCMI Land Planning Division at 1038 CR 323, Rifle and Tom Fiore with Williams and thank you Commissioners for continuing this to this afternoon and yes we do agree with the deletion of J.4 and J.5 as being representative of the motion that was made and passed on June 18.

Chairman Martin asked for any questions. This is a difficult situation in light of all of the other things that have come out in the public hearing and during the public hearing and the confusion, it's a difficult task that we have in front of us and I know there are options on the other side of this final decision. But we have to make to uphold or a change in our Resolution of Denial since we can't revisit the whole public hearing process at this time. What is the pleasure of this Board?

Commissioner Jankovsky - I'll make a motion that we accept the Resolution that was presented to us less items J.4 and J.5, I think J through 3 states the reasons why there was a denial.

#### **Discussion**

Chairman Martin said Phil this is the right direction in reference to what we have in front of us and the Resolution the way it is worded.

Commissioner Samson said I just wish people could work together, I think they can and I hope they do but with that being said being put in-between a rock and a hard place we'll go forward.

Commissioner Jankovsky said I made my comments this morning.

Chairman Martin said I've made my comments too and again I understand what the options are on all side, this is the option we are faced with out of the three and we have chosen this one.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### **COMMISSIONER ISSUES**

#### **a. Commissioner Reports**

##### **i. Fairgrounds Hours of Operation - Commissioner Samson**

Drew Gorgey stated that Betsy Suerth to talk about Commissioner Samson's inquiry about fairground hours of operation and Tari Williams is here as well to talk to you about the Procurement Code at your pleasure.

Commissioner Samson wanted to start by saying I had a couple of phone calls from residents that live on Park Avenue and for those that don't know, the street is directly west of the fairgrounds, very close proximity. They're not complaining about the events held at the Fairgrounds, they realize that the fairgrounds are there for a purpose, etc. What they are concerned about number one is the noise level and number two is things went too long. I inquired and as I understand it, the noise level is up to the City of Rifle to set that and to enforce it.

Drew said my information is that Rifle has a noise ordinance and...

Commissioner Samson said and we don't have that at all.

Drew - No.

Commissioner Samson said he understands that and explained that to them then the folks said well we understand that when those events are held they write a contract and say for example it's a wedding and you can have it these hours, etc. My understanding is there have been some events that went past midnight that should have closed down at midnight that is what they told me. Whether that happened, I don't know. Just saying if that's the case then we need to make sure that is actually does shut down at midnight, that's the best we can do and the City of Rifle can do their thing with the noise ordinances.

Betsy agreed and we will make sure that people are notified of that limitation and make sure those contracts cease at the right time according to Rifle's City Ordinance and not sure if there's a decibel level in Rifle's City Ordinance but will check and make sure we conform with that as well.

Commissioner Samson said if there isn't a decibel level I would say we really need to kind of encourage them to do that if there's no limit at all and you can just blast everybody out that's not good either.

Chairman Martin said the City set that limit and adopted through their municipal process as well as Garfield County process. There are state limits on every zone.

Carey said just so there's no confusion here, we are governed by state law that sets the maximum levels; counties and municipalities can be more restrictive than those levels but don't have to be. There are decibel limits in play it's a question of whether Rifle follows those or has something more restrictive in place. That is unknown.

Betsy didn't either but will check on it and make sure we conform and the limitations are in our contracts.

Commissioner Samson wanted to make sure we encourage people to use the fairgrounds and want those events, etc but we do need to be respectful of people that are neighbors to this. The lady wasn't going crazy she just said it's too much.

Betsy said in the summer it's more disruptive as people have their windows open and they're outside on their porches etc. so we want to make sure that we are a good neighbor.

Commissioner Jankovsky asked Betsy so when there's an outdoor concert at the fairgrounds as far as liquor being sold, etc does each venue have to come in for a liquor license, which would then be tied back to a non-profit.

Betsy said that's correct and if it's at the fairgrounds that is through the City of Rifle and State Liquor Laws.

Commissioner Jankovsky said as far as he's concerned outdoor concerts is actually they have to shut down at 11:00 p.m. as opposed to midnight; it's more than reasonable.

Commissioner Samson said his understanding that they go to midnight.

Betsy concurred that midnight is the limit for the City of Rifle.

Commissioner Jankovsky said in your contracts, for outdoor concerts, I think 11:00 p.m. is more than adequate for an outdoor concert. You may have to start your first act earlier and the second act earlier but when you are in the middle of a City like this that's my thoughts.

Commissioner Samson said he wouldn't have a problem with that either.

Commissioner Jankovsky to Betsy you have control of the contracts.

Betsy asked if this is direction from the Board.

Chairman Martin said it sounds like the majority of the Board is agreeing on that particular direction.

Drew said you can't vote on that now but we can bring it back for consideration.

Commissioner Jankovsky to Drew you can talk to your staff if there are problems to that but for me we need to think about the neighbors and outdoor concerts.

Commissioner Samson asked Betsy to do some research on other areas.

Drew asked if the Board could live with 11:30 p.m.

Betsy said we'll come back with more information, more specifics for the Board but more information from you Commissioner Jankovsky on the outdoor concerts in your classification or definition in your own mind what that means, does it mean...weddings that might be outside.

Commissioner Jankovsky said he thinks if it's amplified music if you have a wedding outside and you have speakers and a disc jockey out there, I think...

Drew said I was fighting for 11:30 P.M. When this comes back as an agenda item for discussion and the fair is depending on event revenue and it is a form of restriction on the venue to go lower so I would also ask when we're talking about where our revenue for the fairgrounds comes from for use of the facility, maybe a breakdown of that. My point is if someone is choosing between two venues and it's your wedding and we want to go to 1:00 a.m. and no one will let us, well what's the latest we can go, midnight, I choose that one versus this one. Those additional and the economic impact of this decision is something we will present to you.

Commissioner Jankovsky said alcohol serving, when did you shut down your alcohol, that's tied into Rifle.

Jean Alberico said but if it's a wedding and invitation only and there's alcohol served there is no license required for that, if it's being rented for a wedding party and they are going to serve alcohol then it is all invited guests, they don't go to the City of Rifle for a special events permit.

Commissioner Jankovsky said it's one thing if you're inside but outside in the summer.

Chairman Martin said we would go with those recommendations, look at the timelines and then see what we have and have a public discussion.

## **Recycling Update**

Commissioner Samson to Betsy while you're here what's the latest on the recycling.



Betsy said we're waiting for a fence to be built and once we have that built, we will make a public announcement, run some ads, and do some...

Commissioner Samson asked if Betsy was making headway with the City of Rifle on the fence or...

Betsy clarified the IGA is in place and now it's just the construction thereof.

Commissioner Jankovsky asked if this would need to go to bid or a sole source.

Chairman Martin noted the City of Rifle...

Betsy clarified it was under the Procurement limits so we had to get three quotes for public bid. We finally got that third quote last week. Randy will be selecting the vendor low bid most likely and move forward. This time of the year, it's hard to get people away from all their other commitments so we haven't gotten a date as to when that fence will be built. It will be shortly, then we'll do a public advertising and a campaign through Renelle and have already been talking to her about helping with that on ads and getting something on the website.

Commissioner Samson noted his frustration to get a little recycling a couple of bins and it's taken 7-months plus.

Drew appreciates that very much; part of the delay was back and forth between the County and the City of Rifle.

Commissioner Samson reiterated not pointing fingers but it is frustrating. All others agreed.

### **Procurement Codes**

Tari handed out the Procurement Code saying it would be on next week's agenda on July 9 and wanted the Board to have an opportunity to review it. Tari made copies for the other elected officials and then a letter inside explaining the process, as we understand it. This will be in the Board's packets, as we have to scan it for Grancius. Commissioner Jankovsky congratulated Jamaica in your new position as the chief procurement officer.

Drew agreed and stated we have just about completed the restructuring of that department under Jamaica. Gene Duran is the contracts manager and on the list of available positions. Currently there is no increase in the budget and perhaps see some surplus there for 2012 for the 2013 budget we probably will request at least funding for a second purchasing agent. Finally, this department will be completed located in this building starting next Monday, July 9 with the ability to work out of Rifle as needed.

### **b. Commissioner Calendars**

Commissioner Jankovsky - I kept tomorrow open because we were talking about wildfire and tomorrow is now open, have lunch with Larry Dragon, Lower Valley Trails tomorrow and I'm meeting with the GLP folks at 1:30 they wanted to discuss some of their language they possibly looking at for a ballot question. This is the Garfield County Legacy Project. Then I'm open Thursday and Friday right now which is nice so I can spend time reading the Procurement Code and the ULUR and respond to some Sage Grouse questions and things of that nature.

Commissioner Samson - I don't have anything else to add other than this week is a little light because of the 4th of July but looks like next week is going to be full bore. Got to get geared up for Tom and I for the Friday and Saturday for the Air Fair, July 13 and 14.

Chairman Martin - That's right and make sure you have your running shoes on. I do have a legislative priority meeting with CCI on July 6, which is Friday at 9:00 a.m. in Denver; we're still doing the Land Use Review process and it starts at 8:00 a.m. to noon. Then on Thursday the 12th, I believe I go to Pittsburg and I will return on the 17th in the late afternoon or evening. In the meantime, I had five items/issues. No. 1 - We had a request in reference to the Election of the Library Board members instead of being appointed. I've talked to the person in charge of the Library District, the head librarian, their board had no objection to an election by the citizens, and I don't know what we need to do, is there a choice in their By-Laws that it can be appointed or elected. We need to put that on the agenda and discuss it.

Drew - The acting county attorney delegated this responsibility to you special assistant county attorney so I will be handling that.

Chairman Martin - You are aware of that and it is an item we need to discuss. No. 2 happened to be the WIC funding in reference to all of the fresh markets. They forgot to ask for a continuance of double the coupon valuation, which is about \$2,000 where it allows the WIC recipient to get the certificates issues to get actually double of what it is and the Commissioners would pay the second cost. They are wondering because they have advertised that and just checked their budget and said uh oh we made a mistake, we didn't ask the Commissioners to double the value. We need to put that on the agenda and make a decision as well.

Drew - That fits well on your July 16 meeting under Health and Human Services.

Chairman Martin - No. 3 happened to be an electronic speed limit indicator sign on Shaffer cut-off. Jamaica is aware of it and looking for a price tag. The owner across the street from the Shaffer Crossing with the short cut is either to buy or participate in the purchase to indicate to the heavy rigs going across Shaffer cut-off as their speeds are exceeding 25 mph There's an intersection they slide through because it's gravel so they wanted to know if they could install it. That's another issue with the sheriff as well as road and bridge and procurement.

Drew - Do you have an address?

Chairman Martin - 319 and Shaffer Road cut-off, West Mamm and Shaffer cut-off, on the east side it goes over to Shaffer's place. No. 4 is County Road 120, we looked at that one, and I would like to talk about this particular issue on some limited drainage repair and some gravel. We have done so in the past, it was a CCC road created in the 1930's and it is an accepted County Road without maintenance. I thought maybe we could look at that on a limited maintenance and put some gravel on that as requested that it would fix the problem because we don't have it on our maintenance schedule.

Drew - That's a Board decision and depending on resources, there are it's one of many County-owned non-maintained roads and the risk is to do for this road and these citizens, it opens the door for more requests and with a limited budget, you have to pick and choose. CR 120 also is the location of several commercial towers at the end of it and there was some discussion about getting participation from the industry because they would benefit from these improvements.

Chairman Martin - This is also the Emergency Communication Authority and they do already pay something. They have a maintenance person, who does a small section, but that needs to be a limited improvement. The other issue is BLM has put a trailhead halfway up 120 and created a new parking area in reference to the recreational area, which has increased the public use of that particular road.

Commissioner Jankovsky - As well as the City of Glenwood Springs owns about 1,000 acres at the top of Road 120.

Chairman Martin – There are a whole bunch of folks we need to sit down and talk to, that's why I say on a limited basis. We need to start talking with all those partners.

Drew - I guess I would tell you the district foreman and your road supervisor after the last meeting immediately looked at that and I will ask that they report back.

Chairman Martin - I think there are 3 others at this table that went up that particular road and looked at it as well, so it needs to be a discussion and need to put it on the agenda to discuss it with the input of our staff. No. 5 was the request on the status of our American Flags to go on our building. I know we had a discussion and Flag Day passed and I didn't see any flags.

Drew - You weren't looking, Mr. Alary came in first thing, they were up at the request of the Board, and he got it done in about one day. My understanding is there are 5-stations available to or are in need of repair. There are either 5 or 7 and there was actually a request to honor the flag after the sun goes down it should be lit and his hours are he leaves about 3:30 p.m. so he took them down at 3:30 and we haven't called the sheriff to see whether they can offer somebody before sundown to take them down.

Chairman Martin - I would like them up for the 4th of July.

Drew - We'll make that happen and they did fly on Flag Day.

Chairman Martin - They were taken down by 3:30 p.m.

Drew - Yes, that's when he left. I'm sure someone from the sheriff's office would be willing to lower them before sundown. We'll work on that.

Chairman Martin - Thank you that would be nice.

Drew - I do have dates that are already on your calendar and wanted to make sure. This requires no action by you, but one week from today at the close of business is the deadline to apply for the County Attorney position. Applications are being handled through the Peckham and McKenney Firm. The next action required by you will be at a special meeting of the Board on the 4th Monday of this month, July 23 at 1:00 p.m. when you will receive from Peckham and McKenney a recommended list of finalists, on this topic as August 16 and 17 have been set aside for interviews. The latest development is the County HR and I are going to have a conference call with Peckham and McKenney to discuss a proposed interview format for you. This is different from the County Managers search has statutory requirements that put all of this on the record. You may or may not need that for this round but there will be groups of interviews and there's been a request and I'm recommending it to you to have some input and some direct input from the County Attorney offices. The interview process that I went through was the most thorough I've ever gone through. I thought it was successful process. I will tell you that no one asked me directly was sort of a detailed examination of my qualification as an attorney. I was prepared to answer all questions but no one asked me. I think a function the county attorney's office might play as well as trying to give you some feedback about who might work best given the current staffing of the office. Final

date for you is August 10. I don't have a time for this and I didn't know whether you did but this was the Western District for CCI in Montrose.

Commissioner Jankovsky said it was 10 a.m. to 2 p.m.

Chairman Martin said it should be on CCI's website.

Commissioner Jankovsky said it's about a 2-hour drive.

Chairman Martin said his 5<sup>th</sup> item is that a consideration of another monument to recognize the Veterans of the other conflicts that we had since Vietnam, that does not appear over at the other monument and have a small monument that identifies and thanks the veterans for consideration. There is a space over there that we could go ahead and add to that to recognize all of the veterans.

Drew asked how many monuments we have on the courthouse grounds now.

Chairman Martin answered two. One is for all the armed services and the other is to recognize everything from the Civil War to Vietnam identifying how many were lost in each conflict and the dates of the conflicts. We don't have to go that far but we could, but at least recognize all the other conflicts. It's a future project of some other organizations to work on that with us.

**c. Approval of Minutes**

**d. Commissioner Agenda Items**

## **ADJOURNMENT**

**July 9, 2012**

## **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

### **ROLL CALL - 8:00 a.m.**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

### **PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA - 8:05 a.m.**

### **REGULAR WORK SESSION:**

#### **1. County Assessor Update: Lisa Warder**

#### **a. Public Hearing: Abatement/Refund of Taxes Abatement No. 12-082, Schedule No. R020425**

#### **Attachment Six Twenty Four LLC Abatement**

Notification was completed by letter.

Chairman Martin swore in speakers.

Lisa - This abatement has two years of taxes, we are here for 2011. 2010 is under \$10,000.00 and agreed to by the petitioner and the assessor.

Commissioner Jankovsky - I'll make a motion that we refund tax abatement number 12-082, number R020425 for 2011 in the amount of \$12,112.36.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**b. Annual Report of Assessment Statistics to County Board of Equalization**

Lisa - This report is statutory and requires the commissioners to sit as the County Board of Equalization.

Chairman Martin - We need a motion to go into the board of equalization.  
Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Lisa - Lisa passed out information to the board. The information is regarding both real and personal property protest hearings and shows where they are in their assessment year. Lisa went over the exhibits she passed out and explained how many real property protests they had, the values adjusted, those denied and those voided. She went on to explain the personal proper in oil and gas protests. The protest period ended for personal property in oil and gas last Monday. They were still receiving protests at the end of the week. These numbers are absolutely an estimate. She explained the number of properties, which had numbers adjusted and denied. As of July 9th, the assessed value of real property is \$926,743,030. This is an increase of .6% over 2011. The value does not include the updates to the value of the state assessed property, all of the oil and gas personal property or possessory interest. The final state assessed values for both personal and real property will be mailed to Garfield County by the Division of Property Tax August 1st. When they receive the abstract in August, it will contain those values. As of July 9, 2012 the assessed value for personal property \$47,041,970.00. This is a 5.18% decrease over the 2011 value. As of July 9, 2012, the assessed value for oil and gas is \$2,868,341,270.00 and this is an 8.2% increase as compared to the 2011 value. As of July 9, 2012, the assessed for drilling rigs is \$62,238,610.00, which is a 6.94% decrease over 2011. As of July 9, 2012 the total assessed value of Garfield County, this is all taxable property including all but the update to state assessed values, possessory interest and the final oil and gas and personal property is \$3,987,913,180.00 which is an increase of 5.86% over the 2011 value. Some accounts did not file a declaration and will be audited in the 2012/2013 personal property field year. They will all receive a declaration penalty allowed by statute.

Chairman Martin - Motion to close the public hearing.

Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Chairman Martin - We will then go back into the Board of County Commissioners if I have a motion.

Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Chairman Martin - No action needed only information gathered from the Board of Equalization, now passed onto the Board of County Commissioners for their review and scheduling for the Board of Equalization.

**2. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**

- a. **Approve Bills**
- b. **Changes to Prior Warrant List**
- c. **Authorize the Chairman to sign a service agreement with Solution Z Conferencing for the purchase and installation of video arraignment equipment within courtrooms at Glenwood Springs and Rifle - Randy Withee**

Commissioner Samson - I would move that we approve the consent agenda as presented, items a, b, and c.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**3. County Manager Update : Andrew Gorgey**

- a. **Public Meetings:**
  - i. Presentation of the 2011 CAFR - Paul Backes, Ann Driggers, Cathleen Van**

**Roekel**

**attachment CAFR**

Paul Backes spent a week in December and meet with every department and focused on how dollars get in to county bank accounts and how they go out. They want to make sure that all department needs are being met by the finance department. After yearend, they come back and follow a balance sheet approach and give a report. He read the audit letter to the board and gave some explanations.

**ii. Public Trustee Quarterly Report - Georgia Chamberlain**  
**attachment PT Qtrly Report**

Bob explained the report for the period ending June 30, 2012.

Commissioner Jankovsky - I'll make a motion that we approve the report as submitted.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**iii. Recommendation to award a contract to Johnson Construction for the completion of the Battlement Mesa Drainage Improvements - Stone Quarry project - Jeff Nelson and Jamaica Watts**

**Attachment Stone Quarry**

Jamaica - This was put out to bid on June 1st and they received five bids. Johnson was the lowest bidder and they are asking the board to approve in an amount not-to-exceed \$108,249.50 and authorize the chair to sign.

Commissioner Jankovsky - Ill make a motion that we award a contract to Johnson Construction Inc. in the amount not-to-exceed \$108,249.50 to complete the Battlement Mesa drainage improvements for the intersection of Stone Quarry Road and Black Hawk Trail and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**iv. Recommendation to award a contract to Dale's Quality Construction Services for the completion of the Battlement Mesa Drainage Improvements - Tamarisk Trail project - Jeff Nelson and Jamaica Watts**

**Attachment Tamarisk Trail**

Jamaica - This contract is in an amount not-to-exceed \$103,043.60. This was put out to bid on June 1st and they received five bidders; Dales being the lowest bidder.

Commissioner Jankovsky - Ill make a motion that we award a contract to Dales Quality Construction Services in an amount not-to-exceed \$103,043.60 to complete Battlement Mesa drainage improvements to the intersection of Tamarisk Trail and Queens City Circle and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**v. Recommendation to award a contract to Adarand Constructors, Inc. to complete the 2012 guardrail projects - Deb Fiscus and Jamaica Watts**

**Attachment 2012 Guardrail**

Jamaica - This is to complete the 2012 guardrail projects. This was put out to bid June 1st and they received three bids; Adarand Constructors was found to be the lowest. They are asking for approval in the amount not-to-exceed \$138,766.50 and authorize the chair to sign.

Commissioner Samson - I would move that we award a contract to Adarand Constructors in the amount not-to-exceed \$138,766.50 to complete the road and bridge 2012 guardrail projects as presented to us and authorize the chair to sign.

Commissioner Jankovsky - Second and I'll just note we are putting a lot of guardrail up for that amount. We're covering about eight different sections of the county.

Chairman Martin - It goes along with our safety program as well as identifying those particular areas that really need attention. I think that we're doing pretty good there. We've been lacking in guardrails for many years. We just seem to be catching up on safety issues. There's more to be done. We'll find those and they'll be identified and measured and gone through the process for next year. They won't all go away.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**vi. Consideration and approval to donate two surplus vehicle & misc equipment to Debeque with authority to Chair to sign titles - Deb Fiscus and Matt Hutchison**

**attachment Consideration and approval to donate two surplus patrol vehicles and equipment to Debeque**



Commissioner Jankovsky has concerns about using Garfield County funds for a Mesa county municipality. If they are doing work in Garfield County, the north end, helping the sheriff, he would like to have more information about that to make the decision easier for him.

Chairman Martin explained they do respond and assist in a mutual aid package for Garfield County as well as the fire district there into Garfield County, which is only about four miles outside of Garfield County. It saves the response time for the sheriff in Garfield County but they do secure the scene or do emergency response immediately. They are deputized to work in Garfield County and that's why the mutual aid package is there. It's the timeline, it's a manpower disbursement issue and the sheriff and the marshal have worked very well together.

Commissioner Samson - I would move that we approve the request from the Marshal in DeBeque and granting his request to give them some of their excess equipment. I don't have it specifically do we? The patrol cars, radars, gun racks...

Matt - They have one vehicle they need equipped; it has no light bars or any sorts of lights. The Army did give that to them.

Commissioner Samson - Two patrol vehicles and the outfitting of other vehicles. Radars, gun racks, LED lights.

Commissioner Jankovsky - And Matt; this is just surplus equipment?

Matt - Yes!

Chairman Martin - And that comes along with the design of the type of vehicles you're putting, the fit sometimes always isn't universal and so at that time excess equipment falls on Matt to store.

Commissioner Jankovsky - Commissioner Samson in this are you just talking about excess equipment at this time or are you also talking about any outgoing vehicles? Or do we have any outgoing vehicles?

Matt - We will.

Commissioner Samson - I think there was a request for two.

Matt - Yes two vehicles and equipment for a third basically.

Commissioner Jankovsky - For the two vehicles.

Commissioner Samson - Two patrol vehicles.

Commissioner Jankovsky - And his one assistant?

Chairman Martin - There's another one; there are some volunteers there. They are trying to beef up everything with the increase of activities there. They are crossing their fingers that Mesa County comes through as well.

Commissioner Jankovsky - So in this motion are we looking at two vehicles?

Commissioner Samson - Two patrol vehicles and excess LED lighting, radars, gun racks.

MOTION

Commissioner  
Mike Samson

SECONDER

Commissioner  
Tom Jankovsky

VOTE

UNA by roll call vote

**vii. Consideration of Intergovernmental Agreement Between Garfield County and the Town of Silt for the Main Street Improvement Project Infrastructure Improvements with Authority to Chair to Sign. - Andrew Gorgey**

Drew is presenting this item both as the County Manager and as a Special Assistant County Attorney for the Garfield County Attorney's office. The commissioners were approached by the Town of Silt in December for a request of funds and heard a more formal request on January 23rd. At that time, the request had been in excess of \$4 million dollars. The board made a pledge of \$1 million dollars to Silt and this is a result of that pledge. The board placed certain conditions on that pledge which Drew went over. Drew had one clarification for the media, the article that he read, referenced Dollar General by name. There have been other businesses mentioned by name; no portion of this grant goes anywhere other than to public facilities. The one refinement from January 23rd has to do with a more thorough understanding of the Federal controls that govern this fund. These funds are coming from the oil and gas mitigation fund. The majority of the composition of that fund are federal mineral lease payments that were made to and retained by the county prior to 2011. It is logical to apply the same federal statutory limits on the expenditures of this grant as they are in the FML district context. Specifically it means they can only be used for three things; planning, construction and maintenance of public facilities and the third is public services. After multiple conversations with the Town of Silts town administrator and their council and after further direction from the town council they settled on the project that is the subject of this IGA. It is effectively infrastructure improvements to their main streets. It is limited between 3rd and 9th Streets. This gift is unique in that he thinks it will be the last gift that they are not requiring any sort of matching. He would recommend they enter into this; the Town of Silt meets tonight to consider it.

Commissioner Jankovsky - I will make a motion that we approve the IGA between Garfield County and the Town of Silt for main street improvement project infrastructures and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**viii. Roan Plateau EIS - Tom Jankovsky**

Commissioner Jankovsky - The federal issues in Garfield County continue to multiply. There was a judge's ruling where he felt the Roan Plateau EIS could move forward with supplemental information or studies and that supplemental information was to look at air quality, ozone issues and to take another look at the citizen's alternative. The citizen's alternative was an alternative where they looked at drilling from the base of the Roan into the Roan, which really is not much of an alternative at all in his opinion. This is a letter to request that the BLM honor the judge's ruling and move forward. He believes this is being discussed in Mesa and Rio Blanco County this week. The EIS was the most studied in the nation. Commissioner Martin was very much involved at the time. If

the work can be done on the Roan it will probably be the most responsible drilling and the most sensitive drilling that will take place anywhere in the United States. It will help our economy with jobs and revenues back to the county. He was at a sage grouse meeting last week with the BLM and since the press was in the room, he wanted to mention it was a closed meeting. Those issues are still out there. It was a cooperating agency status meeting. What came up in meeting; BLM feels there needs to be a study on the Roan for sage grouse; however sage grouse habitat on the Roan is general habitat not priority habitat. There are no birds on the Roan Plateau. Sending this letter, he feels the BLM will continue to drag their feet on this issue.

Chairman Martin - So what you are doing is a motion to accept this letter with changes. Commissioner Jankovsky - I would like to make a motion to accept this letter with changes that, and help from the legal and also administration on grammatical changes and so forth. Chairman Martin - The BLM has looked at the ruling as well, have a copy in their office here in the Silt office and they are very willing to go ahead and answer those particular issues. They have to and I believe they are moving forward to again to complete everything required to move the plan forward. And I will tell you that if you look at the area and only had 1% disturbance at any one time, that's less than 400-acres disturbed at any one time, which includes everything. Roads, pads, pipelines etc. Disturbance again 1% or less at one time throughout the entire process. Never before attempted, but I think it's workable. So do the operators and I think it should go forward as an example of how it can work in a very sensitive area? Also, the Roan Plateau is in excess of the drilling operations even though it's a directional drill. You cannot go 8 to 10, 12, 20 miles with a directional drill. You are going to have to have other locations and that's one of the technical issues I think that the BLM is answering. Also timing on wildlife, below if they did year round drilling at the bottom it's actually more destructive to the habitat than if they allowed it to be top and 1% disturbance and at the bottom. So there are many issues that are being discussed. I think that the BLM is very responsive to the judge's order and believe that they can accomplish everything that is required in a short period of time. I would say that the letter would be appropriate. Commissioner Samson - I think a special thanks needs to go out to Russell George. I believe he worked extremely hard to bring parties together to try and get this 1% solution. I would like to mention his name and thank him publically as well as others but I know he spearheaded this and worked many hours on this.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

#### **4. County Attorney Update: Carey Gagnon**

Drew explained there is a break in the agenda until 11:00 a.m. and they would respectfully ask the board to consider item 4 from the afternoon agenda. This item is the procurement code. This is a detailed update to the extent there is a motion requested to approve this code conditionally but in no way does it become their law or their code until it is finally approved no later than October 1st.

Chairman Martin - The reason he asked the question, it is listed under public hearings or close to it, it might be perceived as a public hearing but it is not.  
Carey wanted to note if they were interested in taking action perhaps the best route is to do that at its scheduled time in case folks do show up. She doesn't see any other legal issues that would prevent them from hearing information on it this morning.  
Commissioner Samson and Jankovsky thought they should go ahead and hear the information.

#### **4. Procurement Code**

Tari - They were last before the commissioners in May with a work session. Today they are prepared to go into as much detail or as little detail as the commissioners would find helpful. What they are asking for is if they approve this with or without changes, it won't be effective until October 1st. This enables the new contracts manager chief procurement officer can work with the actual departments to make sure they achieved their goal of making their lives easier as well and more consistent and reliable. She has actually received a few comments from the county manager. They will come back before the board with any final revisions. Tari gave notebooks to all the elected officials and will schedule time for them to give responses.

Commissioner Jankovsky – Went through several Articles asking for explanations and also gave changes/additions.

Drew - Completing the glossary is an important task. Flushing out the areas they pointed to today is an important task but neither of those will take very long. What he has been told and what the team has been working towards is there will be something akin to open houses as they did for the open records policy. There will be a session for the elected officials held in the jury commissioner's room; there will be sessions in Glenwood, Rifle As distinguished from holding an open house and hoping that people show up. He wants to be certain they have a chance to give input because they are going to be held, as you say, very accountable to this code.

Commissioner Jankovsky - I'll make a motion; what was the...

Drew - Conditionally approve.

Commissioner Jankovsky - That we conditionally approve the procurement code as submitted with changes and additions moving forward.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

#### **COMMISSIONER ISSUES**

##### **5. 11:00 a.m County Treasurer Update: Georgia Chamberlain**

##### **a. Cutwater Asset Management - Marc McClure & Bruce Ely**

Bruce Ely and Marc McClure were present and passed out information for the boards review.

Marc explained this report in detail.

### **LUNCH - Noon**

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA: 1:00 p.m.**

Lisa Warder - Jim put an article in the newspaper but wanted it on the air that the senior exemption is being funded by legislature this year. Jim wants to make sure that every senior who is eligible is aware. The applications must be in the assessor's office by July 15th. That is a Sunday so they have until July 16th. The applications are available on the county's website or they can call the office at 970-945-9134 or they can obtain them on the Colorado Division of Property tax website. They would have to be 65 as of January 1, 2012 and lived in their home for 10 years as of January 1st this year.

### **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

#### **1. County Attorney Update - Land Use Issues: Carey Gagnon**

#### **2. Public Meetings:**

##### **b. Update on the Advisory Committee on the Land Use Code of Garfield County - Tim Thulson**

Tim - They are meeting every other Tuesday and have completed Articles 1 through 4 and are moving on to 5 and 6 tomorrow. Tim feels it is going along well. Haven't seen all written material yet from their advisory, which will go to all the members. It is more work than they thought it would be.

Commissioner Jankovsky - They are have a discussion tomorrow discussing the ULUR with the first round of Clarion changes.

Tim - It is an open public meeting, any citizen can come and they take comments at the beginning of the meeting. They have had very little input to date.

##### **c. Presentation regarding the Mount Callahan and Saddle Natural Areas as designated in the Colorado Natural Areas Program in partnership with OXY USA WTP LP - Brian Kurzel, Chris Clark, Daniel Padilla & Fred Jarman**

Daniel Padilla, Niles, Brian Kurzel and Chris Clark being present.

Daniel gave a power point presentation.

Brian wanted them to know they would be receiving a letter of designation.

Commissioner Jankovsky asked Fred if they had sent a letter as a cooperator.

Fred - This issue was made aware to them in May and they sent a letter and asked for additional time to sit down with folks like those who just presented.

Brian sent a letter of designation.

Commissioner Jankovsky thinks they want to do a workshop, spend time and come up with comments if it will do any good.

Brian - It depends on how detailed they want them to get into. If they wanted them to detail all the best management practices that they would be implementing with OXY, there may be benefit in that.

Commissioner Jankovsky's concern is the federal government comes into our state and our county and they don't talk to them and don't include them and sometimes they make decisions the county has to live with. Not just this item; multiple issues going on now. He thanked OXY for job they are doing.

Brian - They are in draft stages now, then they would write a letter saying they want to move forward and call for a public meeting.

**d. Staff request for Board direction regarding processing of a request for Special District review for the Cattle Creek Metropolitan District. The proposed district will provide street improvement, transportation, water, sanitation, park and recreation service to the River Edge PUD. - Kathy Eastley**

attachment Cattle Creek Service Plan memo

Kathy explained this is a process that is not defined in the county's land use code. They are reviewing this service plan pursuant to statutory requirements. Two years ago, the last service plan was submitted for review for the formation of a metropolitan district, in fact for the same property they are looking at today. River Edge has entitlements associated with it and the formation of a metropolitan district for purposes of transportation and roads is being requested. She provided the board with a memo, which states the process the statute requires. The Clerk and Recorder is required to refer the plan to the planning commission. Staff is requesting that the board join in the referral to the planning commission. The second request would be regarding special review; in the past, there was an economic analysis done. That service plan encompassed a \$40 million dollar debt ratio and the current plan is less than \$6 million dollars. That economic analysis probably isn't necessary at this point. There may be some review required. They are requesting authorization for a special review should it become necessary. The final request is that the BOCC becomes the responsible entity for public notice requirements for the hearing before the board and staff is requesting the board designate herself as the staff planner as the authorized designator to do that public notice.

Chairman Martin asked Jean if she received a check for \$500.00.

Jean received the application and forwarded to DOLA as required and she did receive a check for \$500.00 and recommended it go to the planning commission.

Commissioner Samson - The action they need to take is to direct the application to go forward through the planning commission and does it require a motion?

Chairman Martin - Yes.

Commissioner Jankovsky - Can this be done all in one motion and Chairman Martin replied yes and also they designate a staff person to do the notification.

Kathy - It's to join in the referral.

Commissioner Jankovsky - I make a motion that we join in the referral with the county clerk to request a special district review for the Cattle Creek Metropolitan District and that we appoint county employee Kathy Eastley to also provide the public notice for those meetings. Does that satisfy your needs?

Chairman Martin - Do you want to have any more special fee or whatever?

Commissioner Jankovsky - Well there's that, another \$559.00 required?

Kathy - Correct.

Commissioner Jankovsky - And I think that's reasonable to include that.

Chairman Martin - So that is included in motion?

Commissioner Jankovsky - Yes.

Commissioner Samson - So we've got "a", "b" and "c" covered there, okay I'll second the motion.

Chairman Martin - So a motion and a second to refer it, charge the fee and to appoint Miss. Eastley as the notification requirement.

Commissioner Samson - We've never done this before, I'm not familiar with this at all. Have we ever done this before?

Carey Gagnon - Miss. Eastley is correct it did come before you perhaps two years ago; but this will be a unique experience for everybody involved.

Chairman Martin - Counsel did you have any other considerations?

Carey - The only point of clarification would be that the referral is to the planning commission. I don't believe that was stated in the motion.

Chairman Martin - That is a joint recommendation.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

**e. Consideration of a Director's Call-Up by the Director of the Building and Planning Department regarding a General Administrative Review - Land Use Change Permit for an Accessory Dwelling Unit including a Request for a Waiver from the Roadway Standards contained in Section 7-307 of the Unified Land Use Resolution of 2008 as amended, located approximately 2 ½ miles north of the Town of Silt, at 100 Cedar Drive (File GAPA-7216). The Applicant is Frances Cardillo - Glenn Hartmann**

attachment Cardillo ADU Director Callup Staff Report

Chairman Martin - Notification was not required.

Glenn - June 29th the director of the building and planning department issued a direct to determination of a call-up to the Board of County Commissioners. As part of the call-up, the applicant has requested a waiver. This hearing is for the board to decide if they want to schedule a public hearing. They are in compliance of the code as far as process, they have coordinated with Carey Gagnon and have included in the packet the directors determination letter, the staff report, referral comments, and public comments/letters.



Frances Cardillo - The ADU has been in existence for 12 years and there are four homes on this private drive. They have not had any problems in 12 years. The drive is big enough to pass each other, but it is a private and they don't think there is any reason they shouldn't be granted the waiver.

Commissioner Jankovsky - They would have to go to a public hearing for this.

Carey - There are two reasons for the call-up this time; the director himself for the call-up and also adjacent property owners who provided feedback as well and would like to join in the call-up. Those are under the code for which a call-up can occur. This is just a public meeting to determine if they would like to call-up and if they would they will schedule a public hearing.

Commissioner Jankovsky - I'll make a motion that we call this up for a public hearing to further discuss this issue concerning the land use change permit for an accessory dwelling unit. The applicant is Francis Cardillo.

Commissioner Samson - Including a request for a waiver from the roadway standards. I will second the motion.

Chairman Martin - Everything you need Glenn in that motion?

Glenn - I think we're good unless, Carey do we need a date?

Carey - We do to go ahead and set the date and I believe you had a proposed date.

Glenn - The earliest would be August 20th that we could notice; it's a 30 day required public notice period.

Chairman Martin - Understood as the applicants. And that is part of the motion accepted?

Commissioner Jankovsky - Yes.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

August 20th earliest - put in motion.

### **3. Public Hearings:**

**a. To consider a request for a Major Impact Review application for the expansion of the Parachute Creek Gas Plant on a 1,333 acre site located off of County Road 215 (File No. MIPA 7142). The Applicant is Williams Production RMT Company LLC/WPX Energy Rocky Mountain, LLC - Molly Orkild-Larson**

[attachment Parachute Creek Gas Plant Staff Report and Exhibits](#)

[attachment application Parachute Creek Gas Plant](#)

Phil Vaughan, Blaine Pretchert, Pat McCown were present. Yancy Nichols, Matt, Jeff Wilkinson, and Jeff Sturgeon were in the audience.

Phil Vaughan answered all notification questions.



Carey - Notice was accomplished and they may proceed.

Chairman Martin accepted and put into the record and swore in the speakers.

Molly read the exhibits and gave a power point presentation.

Phil Vaughan - They have dealt with all the relative aspects of this application and they agree with the conditions set forth. They feel they have met and exceeded all the requirements within the Garfield County Unified Land Use Resolution. The only request they would have today if they could incorporate in their approval an indication for the Garfield County building department to be able to issue building permits between now and finalization of any resolution. One clarification in the materials submitted; construction will start on or around September, 2012 and then completion sometime around June, July, 2014. There will be no increase in water or sewer system capacities or traffic, only during construction. Phil explained why all storm water permits statewide are expiring at the same time.

Blaine explained why they went from gas to electrical on the compressor station.

Carey had a question for the applicant. They made a request for something additional on building permits; are they looking for permission to pull a building permit before the land use change permit issues or between the time period of a motion approving the application and the moralization of a resolution?

Phil - Between now and moralization of a resolution.

Richard Roads thinks they should approve this project as they were good neighbors.

Commissioner Samson - I'd like to move to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Samson thinks everything is in order for the application and is impressed with the work they have done. He is glad to see this is going forward and thinks this is good for Garfield County and hopes other companies can follow suit.

Commissioner Samson - I move to approve the land use change permit through the major impact review for the processing and handling, material handling for the expansion of the Parachute Creek Gas Plant on 1,333 acres on property owned by Williams Production RMT Company LLC/WPX Energy Rocky Mountain LLC with the recommended findings and conditions as amended and presented to us and added to that the building & planning department issue building permits as appropriate meaning between what two stages you said?

Carey - It would be between this public hearing and your decision and when you sign the resolution on consent. I believed it would not need to be incorporated as a condition of approval in the application. I think it could be accomplished by direction to staff and since your director of building and planning is sitting here to go ahead and issue building permits as requested by the applicant.

Commissioner Samson - I just heard you say the term moralization.

Chairman Martin - Signing of the resolution.

Commissioner Samson - So we don't need that in there. We'll just give that as direction then. We'll let the motion stand as stated.

Commissioner Jankovsky - I'll second that; just want to clarify that all your conditions are the conditions that were presented by staff.

Commissioner Samson - Yes.

Commissioner Jankovsky - The other statement is this is an important business in Garfield County. It's important for our economic well-being and I'm glad to see that you're expanding the plant. Would like, hopefully when you're doing that to see as many local sub contractors used as possible so we keep some of those funds in Garfield County. It's very important for our well-being that this plant continue and I'll leave it at that.

Chairman Martin - Thank you very much for a nice application. It was lengthy, it did take a lot of time to read and unfold. Good testimony from the public. Sometimes decision are hard, sometimes they are easy. We'll have to make a decision and we'll all live with it.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**b. Consider a request for three (3) telecommunication facilities to be located on three (3) parcels within North Parachute Ranch, between eight (8) miles and twenty miles (20) north of the Town of Parachute. These facilities are proposed to serve Encana Oil & Gas (USA), Inc. operations in the area. - Kathy Eastley**

[attachment Staff Report and Exhibits Encana Communication](#)

[attachment application Encana Communication](#)

Loren Prescott would like to switch the order and do the impoundment now and the communications last.

Chairman Martin – We'll switch.

**c. Consider a request for a Land Use Change Permit for a Limited Impact Review application for a Material Handling - Water Impoundment Facility, also known as Hunter Mesa Water Storage, located approximately 5.4 miles southeast of the City of Rifle located off of County Road 319 (File No. LIPA-7223). The Applicant is Benzel Land LLLP and the operator will be Encana Oil and Gas (USA) Inc. - Glenn Hartmann**

[attachment Staff Report and Exhibits Benzel Hunter Mesa Water](#)

[attachment application Benzel Hunter Mesa Water](#)

[attachment application Benzel Hunter Mesa Water](#)

Loren Prescott and Chris Duran were present. Loren will answer all questions.

Carey - Notification is proper and they may proceed.

Chairman Martin accepted into the record and swore in the speakers.

Glenn read the exhibits and gave a power point presentation.

Loren - One of the most important points that should be made; this application represents an extension of the existing previously permitted facility. He wanted to note there will be no surplus materials from the excavation. They will make use of all the materials. On behalf of EnCana he would like to request consideration for a change to condition 6; the way it is written it mandates the materials that are included in a letter from Levy Atwater. Some comments particularly the first and second bullet point; this is in conflict with the existing operations. He is asking the condition be modified to reflect that the applicant would perform and operate the facility in accordance with the methods of operation at the existing water impoundment facility and with additional input from the CPW as needed. Another point associated with that is going back to the form 28 process, which is the COGCC requirement for EMP waste facilities. Also condition 10 drainage improvements at the intersection of the access road; initially there was difficulty in interpreting the comment based on the fact the drawing was blurry. Those have been discussed and they are in agreement with condition 10.

Chris - This is essentially to keep their water balanced. The life expectancy of the ponds is 30 years.

Loren - One of the core components of the application is details of reclamation and bonding.

Linda Sugar - They received a certified letter and they would not have come today if it would have included the subject site plan. There was nowhere in the letter that would allow her to draw out the subject site where that would have been. The county gave them a map and location of that site; if that would have happened they wouldn't have been here. They were asked by the county planning department to put in request that maybe besides the 1,991 acres there would be a map showing the subject, where the plant would be put. It would help people to know if they had a problem with it or not. Chairman Martin stated they would take that into consideration.

Carey - It is certainly something they can do, it is not required by the code. It is something that could be a small change to the code. If anyone does have a question about specific larger parcels, they can call and ask or come in and review the application.

Linda - EnCana is very easy to work with and give a great importance to any request they have.

Chairman Martin - Motion to close the public hearing.

Commissioner Samson - So moved.

MOTION

Commissioner  
Mike Samson

SECONDER

Commissioner  
Tom Jankovsky

VOTE

UNA by roll call vote

Commissioner Jankovsky - Motion to approve the land use change permit on the Benzel land for the operation of EnCana Oil and Gas for the Hunter Mesa material and handling/water impoundment facility with the following conditions; one through 18 as provided and then with an amendment to condition number 6 and go back to the Colorado Parks and Wildlife letter and delete on page one would be the first dot I guess and the second item on page one and then go to page two and the third dot down and eliminate that as well. Dot one, dot two on page one and dot three on page two.

Chairman Martin - You want to remove construction of the site should take place outside of the winter concentration period of December 1 through April 15th and restrict post development, site visitation between the hours of 10 a.m. and 3:00 p.m. and the site visitation between December 1 and April 15th in the mule deer winter range and the other one is fluids, pits with a four to one escape ramp to allow entrapped wildlife to escape.

Commissioner Jankovsky - Those are the ones I wish to remove. I understand the winter for mule deer and elk grazing but I, in this case don't think that's an issue. Instead of trying to address, go ahead and eliminate those.

Carey - Since you have given me the opportunity, I'm going to take advantage of it. New condition of approval number 6 would state compliance with Colorado Parks and Wildlife recommendations contained in their June 28, 2012 referral comments shall be required for mitigation of impacts on wildlife. Those comments are as follows and then we would include only those that you still, that you haven't omitted. Bullet points 3, 4, 5 and 6 on page one of the letter, bullet point 1, 2, 4 and 5 on page two of the letter and then the condition would also state compliance with the recommendations of the applicant's environmental effects and habitat protection reports completed by West Water Engineering shall also be required. Does that accurately reflect your conditions?

Commissioner Jankovsky - That does accurately reflect that condition yes.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**b. Consider a request for three (3) telecommunication facilities to be located on three (3) parcels within North Parachute Ranch, between eight (8) miles and twenty miles (20) north of the Town of Parachute. These facilities are proposed to serve Encana Oil & Gas (USA), Inc. operations in the area. - Kathy Eastley**

Loren Prescott, Chris, Tom Cogburn being present.

Carey - Established notification was correct and they could proceed.

Chairman Martin - Accepted and put into record; swore in the speakers.

Kathy identified the exhibits; she did receive a letter today in response to one of the recommendations of conditions of approval.

Chairman Martin added the exhibit and marked it "K" and distributed copies.

Kathy gave a power point presentation.

Fred - This applicant had a wildlife report done by a very reputable firm. He thinks what is more notable here is the fact this applicant has incorporated portions of the PPR plan

on a voluntary basis. He wanted to highlight for the record the PPR plan is not a required plan by the DOW.

Commissioner Jankovsky was concerned about not being able to put a site there if a species gets listed.

Kathy thinks the bottom line is that given the fact there is a wildlife mitigation plan that EnCana has, with Colorado Parks and Wildlife that incorporates the voluntary measures into it; staff recommends that condition number three not be necessary. They would comply with their wildlife mitigation plan with the DOW. Additional conditions of approval are contained in staff report. The final condition that was recommended was prior to issuance of the land use change permit the applicant shall submit meets and bounds descriptions of the three sites and update the site plans. She has received those updated site plans; she has a resolution of approval she is requesting for authorization for the chair to sign as well as three separate change permits. One for each of the sites. Condition 7 has been satisfied.

Loren - This is the next phase to augment their communications.

Chris - In Exhibit K, they can see that EnCana since 2006 has been participating with the DOW to provide for a wildlife management strategy. They are concerned with the environment in which they do business.

Kathy explained Form 7460-1.

Carey - Staff does not have discretion on which code requirements have to be satisfied or not. They have to determine that all conditions are satisfied. The code contains a minimum standard that says the form must be submitted. The discretion lies with the commissioners to grant a waiver and the basis for granting a waiver is that the minimum standard is inappropriate or cannot be practically implemented. That is just to highlight what their decision today should be based on pursuant to code language.

Chairman Martin - Do we have a motion to close the public hearing?

Commissioner Samson - So moved.

MOTION

Commissioner  
Mike Samson

SECONDER

Commissioner  
Tom Jankovsky

VOTE

UNA by roll call vote

Commissioner Jankovsky - I'll make a motion that we approve the request for a land use change permit for three communication facilities within the north Parachute ranch properties owned by EnCana know as Long Ridge Tower, Upper Gate Tower, South Middlefork Microwave site with the following conditions; one through 7 as provided deleting number 3 and that we also allow waivers 1 through 3 which waiver one is Section 7-307 for roadway standards. Waiver two would be Section 7-823 which is for landscaping requirements and waiver three would be Section 7-823 which is for fencing or a suitable buffer. I'm not going to have a waiver on the FAA form at this time. I think there's further discussion that needs to go on.

Commissioner Samson - Did you also say, you said three and seven?

Chairman Martin - Three and seven has been removed.

Commissioner Jankovsky - Three has been removed.

Commissioner Samson - And number seven?

Commissioner Jankovsky - No I left seven in. Kathy said it's already been satisfied.

Commissioner Samson - Alright I'll second it.

Carey - May I have a point of clarification?

Chairman Martin - Yes counsel.

Carey - To the motion maker if you have declined to grant a waiver on submission of the FAA form, does that now become a condition of approval that that form be submitted prior to the issuance of the land use change permit?

Commissioner Jankovsky - Yes that would be correct. It would be a condition of approval.

Chairman Martin - In reference to that issue, I think that we need to clarify that, see if it is required etc. But that's a direction to staff outside of the motion. At least we'll get some clarification so we'll have that in the future reference. Motion is there; it also deals with the sage grouse, the fences, the landscaping and the screening, the road standards for access etc.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

**a. Commissioner Reports**

Commissioner Samson - Commissioner Jankovsky; have you ever brought this up specifically?

Commissioner Jankovsky - Yes.

Commissioner Samson - What is the reaction?

Commissioner Jankovsky - It's not even considered. That's why we are trying to go through the coordinating process. Because our plan has been 100%, no 200% denied by the BLM, and US Fish and Wildlife and the State of Colorado.

Chairman Martin - Even though they are signatories to the project?

Commissioner Jankovsky - Even though they are signatories.

Commissioner Samson - That's what I wanted to have on the record.

Commissioner Jankovsky - Maybe if I could go first I could go right to that. I've been communicating with The Colorado BLM Director Helen Hankins and she is sending Northwest BLM representative Jim Cagney here for a work session, it should be a public meeting next Tuesday the 17th. This is an important meeting; it will be the first time they have gone through the coordinating process. I am going to request that either Margaret or Dan Byfield be here to spend some time educating them on the coordination process. Fred will need to have Erik here and they need to have a game plan on how to proceed and he will work with Margaret and Carey on that on how they will proceed through that. It will be open to the public, but they will not take public comments. It will be here in this room, they have not set a time yet. He doesn't know if Margaret has to meet with the three of them individually or how they should do that. So they can have an understanding of how the process works.

Drew - I know that, and I have spoken with Margaret Byfield personally and I know that she is an attorney in Texas. I don't know if she or her husband are licensed in the State

of Colorado. I don't want her or us through invitation or any other combination of possibilities to get her crosswise where she is advising them.

Commissioner Jankovsky - I think it would be a training session. I have gone to one of her training sessions already in Colorado in Montrose through CCI and I do not believe she would be representing us as legal counsel.

Commissioner Samson - Could she do that in a public meeting?

Commissioner Jankovsky - Yes, I would like to have that done prior to BLM, our meeting with the BLM.

Drew - You don't really have anything to hide. Your meeting here we noticed the meeting, she's giving you information and education openly, your council is the county attorney, she's here to give you information about federal law and process. Anyone can be here and to listen; you're not taking comments from the public and that's that.

Commissioner Jankovsky - I think we need to get an invitation out to our large landowners who are affected by this. They have not had a chance to really participate yet. They can be here and listen. What they are trying to do through the coordinating process, we're not trying, and it is federal law that we have a plan. And they need to at least tell us why they are not incorporating our plan into the BLM EIS.

Commissioner Samson - We also want Kirby there.

Fred - I think you have hit it right on the head. I was only going to suggest maybe having the time frame set from 10:00 a.m. to noon to have that training and then come back for their public meeting at 1:00 p.m. We need to come to some kind of time so they can put the notice.

Commissioner Jankovsky - Agree appropriate. He needs a little flexibility to contact Margaret and Dan Byfield.

Fred - The good news it only requires 24 hours notice in advance.

Commissioner Jankovsky - I have code revisions tomorrow at 8:00 a.m., 11:00 GARCO Corp., he is gone all day Wednesday for sage grouse meeting and the state will be there. He will miss Human Services and Garfield Clean Energy meeting that day due to the sage grouse meeting. On the 12th a BLM resource management plan from 1:00 to 4:00 p.m. and the air show on the 13th and 14th.

Drew - I have a question about the air show or clarification for the public. The governor's decision to lift the fire ban statewide does not affect the sheriff's authority as to the county. The sheriff has requested that even though the governor has made his decision, the conditions in Garfield County are unique and he plans to keep his ban in place. That doesn't make your airport director happy at all. He would like very much to light the lights and do what he can and I have basically told him, or about to tell him the sheriff has handcuffs and he doesn't and that you all have already issued your press release based on your policy. Am I correct that the will of the board would be to keep it as you left it last time on this issue and just ban pyrotechnics as it was presented to you last time?

Commissioner Samson - That was my feeling; I talked to Brian a little bit last night and I told him I thought just the perception of things that we keep it the way we have it.

Commissioner Jankovsky - If the sheriff would pull his ban; but he's not going to. We have to honor the sheriff on that ban.

Commissioner Samson - And I think the City of Rifle pretty much wants that also.

Chairman Martin - So it will stand.

Drew - I will communicate that to your airport director.

Commissioner Samson - 8 to 12:00 tomorrow, Mike Blaire wants to talk to him and then he has an interested party that has invited him at 3:00 p.m. to go out to grass mesa. He is quite concerned about oil and gas development. I don't think it's going to be a positive. Wednesday from 9:00 - noon FML meeting and awards ceremony at noon.

Drew - No sir; the 9 to noon breaks down as 9:00 to 11:00 for the district boards annual meeting, which will be in the conference room and at 11:00 a.m. there is an informational session for the award recipients here in this room.

Commissioner Samson - I'll be meeting with Dave Devanney at 2:00 p.m. to talk about open space and some more information concerning hopefully Routt County system up there. Thursday I will be at the Yampa Valley Airport for AGNC; he will report back. Air Fair meeting all day on Friday, what time does it start?

Drew - That's something we should know.

Commissioner Jankovsky - We were given tickets last year; will that still happen?

Drew - I'll make sure that it does.

Commissioner Samson - Someone had a question; there's the VIP reception is that Thursday night.

Drew - Thursday night in the Atlantic Aviation hangar at 5:00 p.m.

Commissioner Samson - On Sunday 15th there is a 2012 meet and greet Colorado River Fire Rescue Fire Fighter appreciation barbeque. This is the thing you two assigned me too; I've been going to the meetings. It will be at Veterans Park in Silt from 11:00 a.m. - 3:00 p.m. Would you like for me to call and tell them you will be coming to this or not coming? I will be attending.

Chairman Martin - I won't even be in the state.

Commissioner Samson - You'll be gone, so I'll tell them you'll be in attendance; but I won't be there until after noon. I'll will tell them that the two of will be there (Jankovsky).

Chairman Martin - I did attend a meeting up in Denver for CCI, relayed new information on our vegetation management requirements and permits, training because of a lawsuit that went forward in Federal court and the clean water and quality act has been amended again through policy. We're going to have to meet some new permitting and training processes. Even if we contract like mosquito control; they're going to have to have permits, federal permits to do that kind of stuff if it's anywhere close to aquatic life or moving water. It's water period, not just moving. That is something that Carey will be working on; it's a new legislation new requirement we have to look out for. I will be going to Pittsburgh; your issues in reference to sage grouse are going to be front and center. There is also going to be issues on oil shale, some endangered species act, also there will be a request to follow-up returning federal lands. What is a reasonable amount of time?

Commissioner Samson - What is the congressman's name; Mike?

Chairman Martin - He thought it was Lee but it's not he's from Utah. He's picking up a little steam but there still has to be a legal challenge, what comes first in time. The agreement between the union and the states that requested statehood or the federal land planning act. FLIPMA, which says there will be no more releases of federal lands etc. I think it's an uphill battle but it will have to go to a federal court to determine that if the inclusionary document is senior to the federal land planning act and that answer has



not been done by the courts. I think that's where its headed; to a court issue. My return date will be the 17th and I leave on the 12th at 6:00 a.m.

Commissioner Jankovsky - Will you be back for our sage grouse.

Chairman Martin - I'm going to try; depends upon the timeline and airlines. I'll leave at 6:25 a.m. on Tuesday Pittsburgh time and will try to get here by noon.

Commissioner Samson - On Wednesday the 18th I have, is there a meeting with the legacy?

Chairman Martin - It's a special meeting at 8:00 a.m. and that's to consider if we're going to put something on the ballot or a work session to be able to come up with answers to the questions being posed in reference to that.

Commissioner Samson - Shared this with Drew and gave him a copy, it's from Tom Stuver who represents the group that put two statues at the fairgrounds. He had some concerns; I met with him. He said he would like them to consider a formal dedication/transfer of ownership to Garfield County. What he was hoping was to set a time and day during fair days to have a dedication. He will work with him. Number two; confirming that the sculptures will be included under the county's properties insurance schedules in an amount at least equal to their acquisition cost, the mutton bust sculpture was \$25,000.00, team roping was \$18,500.00. Would that be an easy thing to do?

Drew shared the letter with the county attorney's office. These statues are currently in private hands. They would donate them to the Rifle Community Foundation I presume. That's a 5013C and that would give them the benefit of that donation not from the county. Then the foundation gives them to the county and in terms of listing them on our insurance schedules, they can call their agent. The one thing here there are a couple of two, three transactions and having the dedication ceremony at the time of the fair makes sense. I would not want to commit our legal resources to getting the i's dotted or t's crossed by the 31st. You can get all this done; put the agreements in an August agenda and do that part later.

Commissioner Samson - He would like for us to use our influence to try to persuade Excel Energy. There is a pole that is just a support pole for the pole across Railroad Avenue. The way I look at it is if they would be willing, they could move that back several feet and put it here so that it's not in the view as you walk or drive by.

Drew - I will refer that to Dave and Betsy.

Chairman Martin - I think that will be a relocation of the pole and the county will have to bear the cost of that. It will still take six months. And it has to be in agreement, an exemption, you have to pay and all that stuff.

Commissioner Samson will coordinate with Tom on a day.

Chairman Martin - The request for the to be elected on positions. Are we working on that, do we have a progress report?

Drew - Yes, I talked with the member of the library board this weekend and will have a report for them.

Commissioner Jankovsky - Can we do that or does that have to go to a vote?

Drew - No, it's a complex set of facts and he will deliver to them.

Chairman Martin - It's in the bylaws and we have to refer to state statute etc as well as other agreements in place.

Drew - The library district board is appointed and your decision to do so dates back to some time. Even though none of the appointed members of the library district board has recently been appointed by you, the advice of their counsel have been acting as if you have. They have followed their terms and followed your original instruction in the absence of anything else. The decision about whether or not you would now want to change the method in which the library district board members are selected, changing from the appointment power to the election power is part of a larger topic. There are costs associated with that. At one point they were elected nobody ran. There are multiple factors and it's not something I can do off the cuff and say let's change it. It's more complex and that's where it is. It has been assigned to me and I will get back to you.

Drew - If you want to be the next Garfield County attorney, you have until midnight to submit your application to Peckham and McKinney. The next you will hear of this is July 23rd at 1:00 p.m. and then interviews scheduled August 16 and 17.

- b. Commissioner Calendars**
- c. Approval of Minutes**
- d. Commissioner Agenda Items**

## **ADJOURNMENT**

### **July 10, 2012 PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

#### **ROLL CALL** **PLEDGE OF ALLEGIANCE** **INVOCATION**

- 1. Public Hearing:**
  - a. Consider a request for a Unified Land Use Resolution text amendment as proposed in the Targeted Code Improvements to improve efficiency and reduce barriers to economic development, as drafted on behalf of the County by Clarion Associates. The request is to amend certain sections of the code, specifically Articles 3, 4, 7, 9 and 16. Applicant is the Board of County Commissioners Tamra Allen and Fred Jarman**  
**Attachment Targeted Code Revisions Phase I**

Carey reviewed the noticing requirements and determined they were acceptable so the Board could continue with the hearing.

Chairman Martin swore in the speakers.

Tamra submitted exhibits A - G and Chairman Martin entered these into the record.

Fred presented a Power Point presentation with a brief introduction saying this is an on-going effort with the time frame beginning in January 2011 with the Board making it clear to make changes as the center piece for development. Over 18 months much work from many citizens and then a citizens group was appointed to voluntarily do this on their own time. Clarion was the consultant and the working group made the changes. There are other sections of the ULUR still under review.

Tamra gave the highlights of serious concerns and reviewed the Power Point. Project Goal Binders were provided with the redline and clean version acknowledging the effort and contribution from the citizens group. The project goals were identified to eliminate unnecessary regulatory barriers that may discourage economic development; streamline development procedures; make the overall code more efficient and ensure the document was user-friendly. This was the primary focus for proving immediate relief in today's economic climate.

### **Project Goals in 3-phases**

Phase 1 - Project Initiation and Analysis was with over 70 interviews

Phase 2 - Assessment Report consistent of short term and longer-term

Phase 3 - Draft Updated Land Use Regulations and the working group review and planning commission review taking 25 plus hours and 8 meetings

### **Overview of Improvements**

- Streamlined development procedures and increased overall efficiency by:
- Streamlined the review process for small projects
- Limited time for complete application review
- Reduced the amount of discretionary review
- Reduced the level of review
- Updated use-specific standards
- Amended oil and gas regulations
- Decreased submission requirements
- Provided a process for submittal and standard waivers

Overview of the Improvements is to improve the user-friendliness of the document by updating and combining the use tables; moving information into easy to read tables with cross-referencing, standardized procedures where possible; formatted instructions consistently to the applicant; eliminate redundancies in the procedures; update the use table to increase flexibility and incorporate technical changes. By doing this Article 5 was reduced by 35% and 133 pages were eliminated.

### **Article 3 - Zoning**

Eliminated CB District; Urban Growth and View Protection Overlay; New Zoning Dimension Table by modifying resource lands setback and height restrictions; New Standards to address oversized building such as riding stables; Use tables modernized and combined into a single table; uses grouped by category; changes in the level of review; and reference to use-specific standards. Clarified multiple principle uses and created procedure for unlisted uses with examples of the charts. This was a reduction of 14-pages.

### **Article 4 - Application and Review Procedures**

This included standardized formatting of all procedures as to overview, review process and review criteria; standardized procedures where possible; clarified the request for waiver so submittal requirements; limited time for completeness review; expanded

procedure to extend current approvals and moved review procedures and public hearing in the table; expanded qualifications for minor modification to an approved application and clarified how to request a waiver of standards. Moved submittal material into the table; modified submittal material of fiscal impact mitigation program; changed the 24 hour pump test to 4 hours; increased the water supply plan requirements from 8 SFE to 15 SFE; moved demonstration of legal and adequate water supply from the preliminary plan to the final plan or condition of approval and combined land suitability analysis with the impact analysis. This created a reduction of 39 pages.

#### **Article 7 - Standards**

These were organized use-specific standards into use category divisions; restructured ULUR 7-104 - adequate water with only criteria for approval; removed sections that do have technical information to support; clarified reclamation when it is required and modified the tables for easier use. Specifics included removal requirements for affordable housing in the Rural Land Development Exemptions; modified kennel standards large/small; modified equestrian centers to riding stables, commercial and private; modified standards for nursery/greenhouse; removed redundancy from industrial use standards; clarified noise standards between C.R.S. and COGCC; added standards for Solar Energy Systems large/small; moved standards for accessory uses into tables and eliminated notice redundancies. This reduced 49 pages.

#### **Article 9 - Pipelines**

Clarified submittal information; modified referral/notice requirements; standardized director determination; moved criteria for approval of pipeline from Article 7 and standardized the call up procedures.

##### **Oil and Gas Specific Changes**

Decreased setbacks in resource lands; increased height for telecommunication towers in Rural Lands; modified use tables for communication towers, small temporary housing, contractor's yard small/large, injection wells and hydraulic fracturing and remote surface facility. Clarified notice requirements for pipelines; clarified reclamation/revegetation bonding; standardized the call up procedures; clarified submittal requirements to demonstrate property ownership and the authority to file; combined approval criteria into Article 9 and eliminated redundancy. No reduction in pages.

#### **Article 16 - Definitions**

A complete list of acronyms were added and how a definition is categorized. Definitions were added to address new or revised terms such as compressor, booster, contractors yard large/small, days, electric power generation facility large/small, hydraulic fracturing, remote surface facility, kennel large/small, nursery/greenhouse; processing, temporary, riding stables, commercial and private, shooting gallery, solar energy systems large/small/accessory, temporary, typical and ordinary high water mark, vehicle and equipment sales, water body and wind energy systems commercial/small.

#### **Planning Commission Recommendation**

On May 23, 2012 the Planning Commission voted unanimously 7 - 0 to recommend approval of the proposed text amendment with their recommended modifications. The Board action requested it to review the recommendations and a motion to continue, deny, modify or approve this text amendment based upon the findings. Tama added all

of the modifications have been added in the red line and clean version handed out. This was reduced by 6 pages.

### **Discussion**

Chairman Martin stated thank you for 18 months of work, we could spend another few months and refine even this but we need to move forward so we can get some processes going.

Commissioner Samson said a lot of work was done and I know many people from the County are looking for this going forward, you can always revamp and improve it and we will as we go. This is a great step in the right direction, you are to be commended, the staff, the planning commission, the citizens working group, Fred and Tamra. It was good to see the planning commission vote of 7-0 approval.

Commissioner Jankovsky said ditto and added the planning commission read every word, every page of this and scoured it. Thank you for that and for the working group that have put many hours into this and Clarion Associates who helped direct this. This is huge and knows Fred has told me there are people waiting for this to be approved so they can move forward with some applications. It cleans up something that will help anybody who will come in to make application in the future whether it's economic development or not, cleans it up, streamlines it, makes more sense, more organized all of the above, which is nice to be a part of this.

Chairman Martin said when applying it will bring out those that have conflicts with it one-way or the other.

Commissioner Jankovsky said as we move forward, that's right, we will find out where the problems are and other problems. There's no doubt.

Carey stated she appreciated Commissioner Jankovsky highlighting the work the planning commission did go through this line by line, they analyzed each section and if there were questions about how they related across the board to make a change in Article 3 what would be the ripple effect throughout the rest of the code and spent a lot of time thinking through all those different aspects. It would have been an impossible effort had it not been for Tamra who knows this Code inside and out and will be an invaluable resource as we apply it moving forward. Appreciative of your willingness to move this aspect forward as it makes the county attorney's job so much easier when there is a document that is clear and consistent. One of the frustrations of working with the Code has been if you're dealing with a call up under pipelines that is somehow a different procedure than a call up under an administrative application review. These are the frustrations in working with the Code and ask why these procedures are not the same. It is certainly not the all end to Codes but it definitely helps progress this forward with something that is easier to use.

Chairman Martin said there is one thing that I can say positive about the federal process, there is an appeal process in reference to the action that goes back to the decision making board, which we do not have in our code. In consideration of putting something like that in our Code for criteria, so the issue could be reviewed on appeal that comes to us instead of tying up the court system on a legal action to ask us to review it again. Perhaps put that step in there. If we had the foundation to review it, we could have that identified as an appeal process. Every federal action has an appeal process; the state has one as well. The city and county do not so we should have had it on the cutting edge and look at it. It can be a hassle like a call up but it is to review

everything to make sure the procedure was done properly. We stand by our final decision or reopen it to correct an issue. We do not have that but I think we need to look at that issue. It could save time, a lot of expense and the review process in the judicial system.

Commissioner Samson asked how much of a hassle would that be to put in there. Chairman Martin replied you would have to do your standards, what are the criteria to make sure and what you are going to find it on, etc. That's another total text amendment, subject to be hashed out, it's a major issue and it takes a lot of brains to put that together to make sure it's not done and abused. You can deny an appeal, which would then be a 106 action. That term goes to legal action at the courts. It's something to think about in the future.

Commissioner Samson liked the idea and said as a Board we could pursue it. Commissioner Jankovsky referring to the working group and the possibility of that coming through them and that would be the way, at this point, to go forward with it. Chairman Martin said we don't want to delay this issue. We'll look at this into the future but it is something we should think about.

Commissioner Samson moved to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Samson	Commissioner Jankovsky	UNA by roll call vote

Chairman Martin noted we have the foundation, discussion and we'll vote.

Commissioner Jankovsky - I will make a motion we approve the text amendment to amend Articles 3, 4, 7, 9 and 16 in the Unified Land Use Resolution of 2008 as amended and allow the Chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Jankovsky	Commissioner Samson	UNA by roll call vote

Commissioner Jankovsky thanked everyone.

Chairman Martin noted now we just have to keep working.

## **ADJOURNMENT**

### **July 9, 2012 PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

## **ROLL CALL - 8:00 a.m.**

## **PLEDGE OF ALLEGIANCE**

## INVOCATION

### PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA - 8:05 a.m.

#### REGULAR WORK SESSION:

##### 1. County Assessor Update: Lisa Warder

##### a. Public Hearing: Abatement/Refund of Taxes Abatement No. 12-082, Schedule No. R020425

###### Attachment Six Twenty Four LLC Abatement

Notification was completed by letter.

Chairman Martin swore in speakers.

Lisa - This abatement has two years of taxes, we are here for 2011, 2010 is under \$10,000 and agreed to by petitioner and assessor.

Commissioner Jankovsky - I'll make a motion that we refund tax abatement number 12-082, number R020425 for 2011 in the amount of \$12,112.36.

###### MOTION

Commissioner  
Tom Jankovsky

###### SECONDER

Commissioner  
Mike Samson

###### VOTE

UNA by roll call vote

##### b. Annual Report of Assessment Statistics to County Board of Equalization

Lisa - This report is statutory and requires the commissioners to sit as the County Board of Equalization.

Chairman Martin - So at that time we need a motion to go into the board of equalization.  
Commissioner Samson - So moved.

###### MOTION

Commissioner  
Mike Samson

###### SECONDER

Commissioner  
Tom Jankovsky

###### VOTE

UNA by roll call vote

Lisa - Lisa passed out information to the board. This is information regarding both the real and personal property protest hearings. This shows where they are in their assessment year. The assessor's office completed the real and personal protest hearings as of July 2, 2012. Attached to the memo is a list of all real and personal property protests and the decision on each protest. She has also attached the most current abstract assessment and it does not include the updated assessed values, possessory interest values or the County Board of Equalization changes. Lisa went over the exhibits she passed out. Lisa explained how many real property protests they had, the values adjusted, those denied and those voided. She went on to explain the

personal proper in oil and gas protests. The protest period ended for personal property in oil and gas last Monday. They were still receiving protests at the end of the week. These numbers are absolutely an estimate. She explained the number of properties, which had numbers adjusted and denied. As of July 9th, the assessed value of real property is \$926,743,030. This is an increase of .6% over 2011. The value does not include the updates to the value of the state assessed property, all of the oil and gas personal property or possessory interest. The final state assessed values for both personal and real property will be mailed to Garfield County by the Division of Property Tax August 1st. When they receive the abstract in August, it will contain those values. As of July 9, 2012 the assessed value for personal property \$47,041,970.00. This is a 5.18% decrease over the 2011 value. As of July 9, 2012, the assessed value for oil and gas is \$2,868,341,270.00 and this is an 8.2% increase as compared to the 2011 value. As of July 9, 2012, the assessed for drilling rigs is \$62,238,610.00, which is a 6.94% decrease over 2011. As of July 9, 2012 the total assessed value of Garfield County, this is all taxable property including all but the update to state assessed values, possessory interest and the final oil and gas and personal property is \$3,987,913,180.00 which is an increase of 5.86% over the 2011 value. Some accounts did not file a declaration and will be audited in the 2012/2013 personal property field year. They will all receive a declaration penalty allowed by statute.

Chairman Martin - Motion to close the public hearing.  
Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Chairman Martin - We will then go back into the Board of County Commissioners if I have a motion.  
Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Chairman Martin - No action needed only information gathered from the Board of Equalization, now passed onto the Board of County Commissioners for their review and scheduling for the Board of Equalization.

**2. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**

**a. Approve Bills**



- b. **Changes to Prior Warrant List**
- c. **Authorize the Chairman to sign a service agreement with Solution Z Conferencing for the purchase and installation of video arraignment equipment within courtrooms at Glenwood Springs and Rifle - Randy Withee**

Commissioner Samson - I would move that we approve the consent agenda as presented, items a, b, and c.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

### **3. County Manager Update : Andrew Gorgey**

#### **a. Public Meetings:**

##### **i. Presentation of the 2011 CAFR - Paul Backes, Ann Driggers, Cathleen Van Roekel**

[attachment CAFR](#)

Paul Backes spent a week in December, met with every department, and focused on how dollars get in to county bank accounts and how they go out. They want to make sure that all department needs are being met by the finance department. After year-end, they come back, follow a balance sheet approach, and give a report. He read the audit letter to the board and gave some explanations.

##### **ii. Public Trustee Quarterly Report - Georgia Chamberlain**

[attachment PT Qtrly Report](#)

Bob explained the report for the period ending June 30, 2012.

Commissioner Jankovsky - I'll make a motion that we approve the report as submitted.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

##### **iii. Recommendation to award a contract to Johnson Construction for the completion of the Battlement Mesa Drainage Improvements - Stone Quarry project - Jeff Nelson and Jamaica Watts**

#### Attachment Stone Quarry

Jamaica - This was put out to bid on June 1st and received five bids. Johnson was the lowest bidder and they are asking the board to approve in an amount not-to-exceed \$108,249.50 and authorize the chair to sign.

Commissioner Jankovsky - Ill make a motion that we award a contract to Johnson Construction Inc. in the amount not-to-exceed \$108,249.50 to complete the Battlement Mesa drainage improvements for the intersection of Stone Quarry Road and Black Hawk Trail and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

#### iv. Recommendation to award a contract to Dale's Quality Construction Services for the completion of the Battlement Mesa Drainage Improvements - Tamarisk Trail project - Jeff Nelson and Jamaica Watts

#### Attachment Tamarisk Trail

Jamaica - This contract is in an amount not-to-exceed \$103,043.60. This was put out to bid on June 1st and they received five bidders and Dales was the lowest bidder.

Commissioner Jankovsky - Ill make a motion that we award a contract to Dales Quality Construction Services in an amount not-to-exceed \$103,043.60 to complete Battlement Mesa drainage improvements to the intersection of Tamarisk Trail and Queens City Circle and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

#### v. Recommendation to award a contract to Adarand Constructors, Inc. to complete the 2012 guardrail projects - Deb Fiscus and Jamaica Watts

#### Attachment 2012 Guardrail

Jamaica - This is to complete the 2012 guardrail projects. This was put out to bid June 1st and they received three bids and Adarand Constructors was found to be the lowest. They are asking for approval in the amount not-to-exceed \$138,766.50 and authorize the chair to sign.

A motion was made to Commissioner Samson - I would move that we award a contract to Adarand Constructors in the amount not-to-exceed \$138,766.50 to complete the road and bridge 2012-guardrail projects as presented to us and authorize the chair to sign. Commissioner Jankovsky - Second and I'll just note we are putting a lot of guardrail up for that amount. We're covering about eight different sections of the county. Chairman Martin - It goes along with our safety program as well as identifying those particular areas that really need attention. I think that we're doing pretty good there. We've been lacking in guardrails for many years. We just seem to be catching up on safety issues. There's more to be done. We'll find those and they'll be identified and measured and gone through the process for next year. They won't all go away.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**vi. Consideration and approval to donate two surplus vehicle & misc equipment to Debeque with authority to Chair to sign titles - Deb Fiscus and Matt Hutchison**

**attachment Consideration and approval to donate two surplus patrol vehicles and equipment to Debeque**

Deb - They did donate one vehicle to them a few years ago.

Chairman Martin - This will help Matt's office as well as the DeBeque Marshal.

Commissioner Jankovsky has concerns about using Garfield County funds for a Mesa county municipality. If they are doing work in Garfield County, the north end, helping the sheriff, he would like to have more information about that to make the decision easier for him.

Chairman Martin explained they do respond and assist in a mutual aid package for Garfield County as well as the fire district there into Garfield County, which is only about four miles outside of Garfield County. It saves the response time for the sheriff in Garfield County but they do secure the scene or do emergency response immediately. They are deputized to work in Garfield County and that's why the mutual aid package is there. It's the timeline, it's a manpower disbursement issue and the sheriff and the marshal have worked very well together.

Commissioner Samson - I would move that we approve the request from the Marshal in DeBeque and granting his request to give them some of their excess equipment. I don't have it specifically do we? The patrol cars, radars, gun racks...

Matt - They have one vehicle they need equipped; it has no light bars or any sorts of lights. The Army did give that to them.

Commissioner Samson - Two patrol vehicles and the outfitting of other vehicles. Radars, gun racks, LED lights.

Commissioner Jankovsky - And Matt; this is just surplus equipment?

Matt - Yes!

Chairman Martin - And that comes along with the design of the type of vehicles you're putting, the fit sometimes always isn't universal and so at that time excess equipment falls on Matt to store.

Commissioner Jankovsky - Commissioner Samson in this are you just talking about excess equipment at this time or are you also talking about any outgoing vehicles? Or do we have any outgoing vehicles?

Matt - We will.

Commissioner Samson - I think there was a request for two.

Matt - Yes two vehicles and equipment for a third basically.

Commissioner Jankovsky - For the two vehicles.

Commissioner Samson - Two patrol vehicles.

Commissioner Jankovsky - And his one assistant?

Chairman Martin - There's another one; there are some volunteers there. They are trying to beef up everything with the increase of activities there. They are crossing their fingers that Mesa County comes through as well.

Commissioner Jankovsky - So in this motion are we looking at two vehicles?

Commissioner Samson - Two patrol vehicles and excess LED lighting, radars, gun racks.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**vii. Consideration of Intergovernmental Agreement Between Garfield County and the Town of Silt for the Main Street Improvement Project Infrastructure Improvements with Authority to Chair to Sign. - Andrew Gorgey**

Drew is presenting this item both as the County Manager and as a Special Assistant County Attorney for the Garfield County Attorney's office. The commissioners were approached by the Town of Silt in December for a request of funds and heard a more formal request on January 23rd. At that time, the request had been in excess of \$4 million dollars and they made on January 23rd in a joint meeting with Silt City Council, which allowed them to take official action as the Board of commissioners properly noticed and open meeting and so forth. The board made a pledge of \$1 million dollars to Silt and this is a result of that pledge. The board placed certain conditions on that pledge. The first was the amount. The second was what the money was for at that time and they characterized it as infrastructure improvements. The third was what the money was not for. The funds would not be used to benefit any particular business or corporation. The second was that the board was in no way participating in the Town of Silts urban renewal authority at all or efforts. He had one clarification for the media, the article that he read, referenced Dollar General by name. There have been other businesses mentioned by name; no portion of this grant goes anywhere other than to public facilities. The one refinement from January 23rd has to do with a more thorough understanding of the Federal controls that govern this fund. These funds are coming from the oil and gas mitigation fund. The majority of the composition of that fund is federal mineral lease payments that were made to and retained by the county prior to

2011. It is logical to apply the same federal statutory limits on the expenditures of this grant as they are in the FML district context. Specifically it means they can only be used for three things; planning, construction and maintenance of public facilities and the third is public services. After multiple conversations with the Town of Silts town administrator and their council and after further direction from the town council they settled on the project that is the subject of this IGA. It is effectively infrastructure improvements to their main streets. It is limited between 3rd and 9th Streets. As a county and they was they are approaching this, this is the preferred way of presenting these IGA's. They have a complete engineering estimate, drawings and the board knows exactly where this money is and should go before any of it leaves the county. Prior years they have done a little differently but he is recommending this should be their blueprint going forward. This gift is unique in that he thinks it will be the last gift that they are not requiring any sort of matching. They have another grant out of this fund to Rifle that is still pending and he may have some information for them about that. He would recommend they enter into this; the Town of Silt meets tonight to consider it.

Commissioner Jankovsky - I will make a motion that we approve the IGA between Garfield County and the Town of Silt for main street improvement project infrastructures and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

#### [viii. Roan Plateau EIS - Tom Jankovsky](#)

Drew - Commissioner Jankovsky is presenting, we've reviewed the letter with the county attorney's office.

Commissioner Jankovsky - The federal issues in Garfield County continue to multiply. There was a judge's ruling where he felt the Roan Plateau EIS could move forward with supplemental information or studies and that supplemental information was to look at air quality, ozone issues and to take another look at the citizen's alternative. The citizen's alternative was an alternative where they looked at drilling from the base of the Roan into the Roan, which really is not much of an alternative at all in his opinion. Because you can't do that, the technology is not there. This is a letter to request that the BLM honor the judge's ruling and move forward. He believes this is being discussed in Mesa and Rio Blanco County this week. The EIS was the most studied in the nation.

Commissioner Martin was very much involved at the time. If the work can be done on the Roan it will probably be the most responsible drilling and the most sensitive drilling that will take place anywhere in the United States. It will help our economy with jobs and revenues back to the county. He was at a sage grouse meeting last week with the BLM and since the press was in the room, he wanted to mention it was a closed meeting. There were two counties who had three commissioners, our county only had one commissioner there, there was a member of the press there, and the BLM asked them to leave. Those issues are still out there. It was a cooperating agency status meeting.

Chairman Martin - At that point, they do have that control and there is a client privilege as they take place in there.

Commissioner Jankovsky - What came up in meeting; now the BLM feels there needs to be a study on the Roan for sage grouse; however sage grouse habitat on the Roan is general habitat not priority habitat. There are no birds on the Roan Plateau. Sending this letter, he feels the BLM will continue to drag their feet on this issue.

Chairman Martin - So what you are doing is a motion to accept this letter with changes.

Commissioner Jankovsky - I would like to make a motion to accept this letter with changes that, and help from the legal and also administration on grammatical changes and so forth. Chairman Martin - The BLM has looked at the ruling as well, have a copy in their office here in the Silt office and they are very willing to go ahead and answer those particular issues. They have to and I believe they are moving forward to again to complete everything required to move the plan forward. And I will tell you that if you look at the area and only had 1% disturbance at any one time, that's less than 400-acres disturbed at any one time, which includes everything. Roads, pads, pipelines etc. Disturbance again 1% or less at one time throughout the entire process. Never before attempted, but I think it's workable. So do the operators and I think it should go forward as an example of how it can work in a very sensitive area? Also, the Roan Plateau is in excess of the drilling operations even though it's a directional drill. You cannot go 8 to 10, 12, 20 miles with a directional drill. You are going to have to have other locations and that's one of the technical issues I think that the BLM is answering. Also timing on wildlife, below if they did year round drilling at the bottom it's actually more destructive to the habitat than if they allowed it to be top and 1% disturbance and at the bottom. So there are many issues that are being discussed. I think that the BLM is very responsive to the judge's order and believe that they can accomplish everything that is required in a short period of time. I would say that the letter would be appropriate.

Commissioner Samson - I think a special thanks needs to go out to Russell George. I believe he worked extremely hard to bring parties together to try and get this 1% solution. I would like to mention his name and thank him publically as well as others but I know he spearheaded this and worked many hours on this.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

**4. County Attorney Update: Carey Gagnon**

Drew explained there is a break in the agenda until 11:00 a.m. and they would respectfully ask the board to consider item 4 from the afternoon agenda at that time. This item is the procurement code. The reason is at the time this was scheduled they did not have as many public land use hearings as they do. They don't want to leave this until the end of a long day.

Chairman Martin asked if they were looking for a final decision, is it an update, is it a continuation?

Drew - This is a detailed update to the extent there is a motion requested to approve this code conditionally but in no way does it become their law or their code until it is finally approved no later than October 1st.

Chairman Martin - The reason he asked the question, it is listed under public hearings or close to it, it might be perceived as a public hearing but it is not.

Carey wanted to note if they were interested in taking action perhaps the best route is to do that at its scheduled time in case folks do show up. She doesn't see any other legal issues that would prevent them from hearing information on it this morning.

Commissioner Samson and Jankovsky thought they should go ahead and hear the information.

#### **4. Procurement Code**

Tari - They were last before the commissioners in May with a work session. Today they are prepared to go into as much detail or as little detail as the commissioners would find helpful. What they are asking for is if they approve this with or without changes, it won't be effective until October 1st. This enables the new contracts manager chief procurement officer can work with the actual departments to make sure they achieved their goal of making their lives easier as well and more consistent and reliable. She has actually received a few comments from the county manager. They will come back before the board with any final revisions.

Chairman Martin - Hopefully they will get statement from the elected officials.

Tari gave notebooks to all the elected officials and will schedule time for them to give responses.

Commissioner Jankovsky - Article one, page 3 of 5 contract formation and administration. He wanted to talk the second sentence which this stage also includes post award enforcement of the terms that result in contract including payment of invoices and so forth. No changes to that but he would like to talk about is they need something in there on definitions or a job description in Article 2. Because he thinks that is what it talks about its post award enforcement. It also ties back to Article 6, which is contract-required terms; it needs a good definition of that position and what that enforcement is. Still on page 3 of 5 in Article, I go to last sentence on that page and it confuses him. He read; will use those definitions unless the context in which they are used clearly requires a different meaning or definition. He doesn't understand how there could be a different definition.

Drew - That is a standard way of treating definitions so someone doesn't flip to the glossary and say well the definition says X. The definitions are part of their code but it puts primary authority on the words as they are used in the code itself and not in the glossary.

Commissioner Jankovsky is fine with that. Page 4 of 5, revisions to the code, it puts a lot of responsibility on the chief procurement officer. It says only the board may authorize revisions to the policies reflected in this code and all such revisions will be made by the BOCC. However, the chief procurement officer with the approval of the county manager is authorized to revise and update any processes. Are processes different from revisions to the code and spelling grammatical errors? He would like a definition of that sentence and he thinks they are giving a lot of responsibility to the chief



procurement officer and he is concerned about revisions being made that don't go through the BOCC.

Tari - That was one of the points that she and Drew discussed last week. She has attempted to make a change to the paragraph. The board decides all of the policies, the rules; this is what they want to do and how it's going to be. They wanted to give the procurement department the opportunity if things change for example, the impact the practice of how payments are processed. Not necessarily, the code itself but the practices required to fulfill the code.

Drew - The purpose of this understanding was to complete the process started in 2008 and the current procurement code was never designed to be the final word on procurement. There was an attempt made in 2011 to have a parallel document; the board approved some of those procedures. The second thing this does is the board gave them certain policy directions about controls and spending and he caught this also; there is a redlined text on this. He thinks this might be what the board is after; revisions to the code, only the BOCC may authorize for revisions to the policies reflected in this code and all such revisions will be made by BOCC resolution. Updated versions of this code will be provided to all department heads and elected officials who have adopted this code for distribution to all employees. In order to execute this code specific procedures may be required. The chief procurement officer with the approval of the county manager is authorized to issue such procedures provided they are consistent with the code. What that means is only you (the board) changes this code. The chief procurement officer cannot change this code, the county manager cannot change this code; but if in readying the code someone needs to know how to do something then the chief procurement officer can tell them how because the board has given the chief procurement officer the power to do that in consultation with Drew.

Commissioner Jankovsky appreciates that and understands about processes. He knows if someone goes out and they have a credit card and buys something there is a process for doing that but it's not in this. He doesn't know if it's somewhere else in the employee manual or if it's just cultural. How does somebody learn about mileage reimbursement, those types of processes?

Tari - That is actually part of the collaboration they have been trying to have.

Commissioner Jankovsky - But having those processes in one place so everyone has them. They need to know so they don't break any rules that they never knew about.

Drew - He spent hours with Tari going over this and was struck by the clarity. This really is written so that anyone can understand it on first reading. There are some very important links between the finance function and the procurement function. No dollar leaves the county without a contract, whether that is a receipt on their "P" card or a contract for 1/2 million dollars or IGA for a million. It also clarifies what this code does and doesn't cover and it leaves Intergovernmental agreements and real estate transactions largely with the county attorney's office for example. The big thing here is accountability and his goal since hired as county attorney is; you should never have a contract presented to them that is not signed with all of its attachments complete so that the last act of contract formation is the chair's signature. That is simply a matter of defining their system and having the discipline to execute and enforce it. They have a lot of education to do.



Commissioner Jankovsky - Article II, page 5 of 5 county employees, go to 2D which refers to Article 8 primarily. They only have the D information under county employees and he thinks it also needs to be under all the other job descriptions. Either take it out, or refer to Article 8 or have it in every job description.

Tari - As an FYI it is consistent with the personal manual which cites to the Colorado Constitution.

Commissioner Jankovsky - On 2 of 5 number "G", the chief procurement officer is responsible for contract forms and required clauses but we have a contract manager so that ties back into getting that job description for the contract manager. Under 3 of 5, this is county manager; when manage you can't be everywhere at one time. There are a couple of ways to know what is going on within your county and what he needs to do. One is the budget process to see what people provide during budget. The second is seeing what they are spending. He is wondering if in the \$10,000.00 to \$25,000.00 range, which it doesn't talk about here we'll get back to that. The department head has the ability to make those purchases, go through the procurement officer and department without really going through the county manager and he thinks there needs to be a second signature or something from the county manager so he is in the loop. He knows that is huge; most departments do fine but what about Human Services.

Drew agrees there are two aspects to what he is saying. How does he as county manager hold the department heads accountable for the expenditures within their department? That is sort of a management issue. Second is whether or not the procurement code should include the county manager as signatory on all these agreements or second signature. He would really advise against that. Just from the sheer volume of things and getting documents to him. They put people in jobs because they are qualified and trust them. That is his job to hold them accountable and if he doesn't the board holds him accountable. The current structure is they currently have a direct report team meeting monthly. They are still talking fundamental concepts but dating back to January 3rd, he has had individual meetings with every department head. All or almost all department heads are on a regular schedule with him so that he is not surprised about any issues or major projects that are coming up and to include some sort of regular budget review component or to add that to every meeting. That's something that he can easily do. Have the department's report to the board directly about what they have spend and why in certain ways and have to justify. But to add a second signature or to have him be a signatory that will really lock the gears here and he wouldn't do it that way.

Commissioner Jankovsky doesn't want to create more government and more bureaucracy. But at the same time \$10,000.00 to \$25,000.00 purchases is a substantial purchase. He knows the departments have to go through the procurement department and they have to write a request for proposal. Maybe it's not a signature. He sees there is a quarterly reporting that will be done which has never done before for the BOCC. He runs a small business and seeing checks come by gives him an idea of what is going on within the business and things that he otherwise wouldn't have any knowledge of because purchases were being made, works being done and he and thinks it is just checks and balances.

Drew would suggest the quarterly reporting, the oversight by him and more information to the BOCC and the ability to question somebody's business judgment and this does

put the burden on the department heads. The department heads, even at the \$10,000.00 to \$25,000.00 range, if they need a scope of work or specifications all of that happens before anyone asks anyone to do any work. They can consult with procurement, with him; they have to show that it was competitively bid at the \$10,000.00 to \$25,000.00 level. That does not under the current code necessitate an advertisement or formal RFP or committee or anything like that. Common sense may lead them that way but again this is making sure we get the services we need in a fair legal way quickly. If someone lacks business judgment, over time there will be evidence of that and that then becomes a managerial issue that's handled as a business decision from the management side not the procurement process side.

Tari - This was one of the items they put on the list of things to be reported quarterly and took it off with the same debate of what's too much effort for the return. The purchases in the \$10,000.00 to \$25,000.00 range are the simplified purchases that are defined in ArtiNone of those now will be paid until procurement has received, through the New World system, the various signed documents they need. So procurement will have an up to date identification of what the departments are spending and how. In addition, at some point they will also have a list of contracts by amount that can be searched by department. They can add to the report.

Drew - Gene has a huge job. He is the gatekeeper for whether or not they get what they are contracted for. It should work quite well.

Commissioner Jankovsky - He will go back to the budget where the BOCC was surprised by some of sole source things that had been approved by department heads.

Drew - Those now must come to him.

Tari - All sole source in the \$10 and above need approval by the county manager. They did try in the descriptions to augment what that means.

Chairman Martin - Thinks the checks and balances are in place.

Gene thinks Commissioner Jankovsky makes a good point; along with fitting it into their request to flush out his job duties based on his understanding he is to monitor those contracts that the board approves. He is hoping to use the new world component that will allow him to monitor how much money has been spend, what is the completion of the project and so forth. It also touches the concerns at what level the board and this is a policy question they need answered from the board; one of the things built into the old code was an aggregate amount. That is if for example a contractor got a contract for \$10,000.00 then that same contractor on a separate job got a contract for \$25,000.00, then on the next contract to a contract for \$35,000.00 that contractor exceeded the aggregate amount of \$50,000.00.

Chairman Martin - That's one of the concerns they had.

Commissioner Jankovsky - The question is, are they different projects or are the same project?

Gene - But from a policy perspective is it the boards policy that work should be spread among different contractors, or is the boards policy just hey don't try to come in through the back door?

Commissioner Jankovsky thinks again they have some regulations in here and that is you do require at least a bid process. If they go over the \$25,000.00, it has to come back to the BOCC. It's a good point; could this contractor have three different jobs? Does it need to come to the BOCC?

Gene - Does it?

Tari - The current draft would not require it. It would allow each project to be handled on its own merits. Then they would have the reporting function that would provide the oversight of how many times a contractor wins on its own merits the contract.

Chairman Martin thinks it amounts to a phased project; we're getting the same project done but dealing in a phase. So the first phase will be \$10,000.00 next phase \$20,000.00 but yet the overall project should have been bid as an entire project.

However if we invent something and find a way around it to do phases that way without coming to the board is what they are trying to eliminate.

Tari thinks by this tier approach and procurements involvement that's what they were trying to address.

Chairman Martin - It was an overall project that needed to be done but they didn't want to do the entire project under the bid process. They just divided it into smaller phases and just did purchase orders for those services. The problem; the overall vendor received more than is allowed. He thinks it is addressed; it needs to be one single project.

Tari - It is consistent with Colorado statute. No splitting.

Gene - That touches on one of the commissioners concerns; accountability. At what point do they want procurement to bring to the board's attention as compared to the county manager for those contracts between \$10 and 25,000.00? They will be running reports but again they can track them as far as contractor X suddenly has \$150,000.00 flowing in their direction. We might see it as separate projects but if it's an issue to the board that they need to spread that type of work among other vendors within Garfield County, it's more of a policy issue that you may want the county manager to be aware of and talk to about.

Commissioner Jankovsky is going to come up with a number of things; he wants the chief procurement officer and the county manager to look at things because there's a lot of responsibility in here for the chief procurement officer.

Jamaica thinks Drew and her department will work very closely together. The board will have their quarterly reports. They will be providing Drew many more reports than that. Commissioner Jankovsky wants Drew to be aware of what is going on in their department.

Drew wanted to address the concept of somehow, somebody has too much work therefore they don't get any more work. That's not the way we bid things and it's not the way they award things. They spend money responsibly based on our code and structure. They don't redirect things just because they feel like it or they arbitrarily feel someone has too much or too little.

Commissioner Jankovsky doesn't think they do that, they go through a bid process and whoever comes in with the most competitive bid gets the award.

Drew wants to make sure they address all the boards concerns.

Commissioner Jankovsky - Article 5, page 5 of 13 number 7 which is; chief procurement officer may amend or cancel an IFB or reject a solicitation response by a vendor in whole or in part as specified in the solicitation when it is in the best interest of the county. He would like to have the county manager tied back into those as well.

Drew - There are a few places in the code they added language along the lines of in consultation with or conferral with the county manager. He understands the importance

behind what he is saying with vesting so much authority in the chief procurement officer. The advantage to doing so is she can't spend a dollar, a bit like their director of Human Resources; that position is the guardian of a system. Both HR director and the chief procurement officer are accountable to him. The concept is similar to that of a court where you're making the law she is in many respects a judge. To an extent the board is setting him up as a court of appeals. That's preferable to making him the court. Commissioner Jankovsky thinks it goes even beyond that. Drew has legal experience but he thinks once he gets something like that he would go to the legal department. Drew - 100% true. Drew wanted to give them an example. If someone in your private business, who works for you and with whom he has vested responsibility, makes a decision that is inconsistent with his prior instruction or his point of view and they don't tell you about it. You would take action. The reasons for the regular meetings with this department head and every other person, they have regular ongoing communication so that problems, you have a system for dealing with problems before they come up. They will add everywhere it is appropriate to do consultation or some sort of language like that but his take on it is the integrity of the system depends on a strong central person there.

Commissioner Jankovsky - He is coming from just checks and balances. Number 10 on budget; if we go over what do we do? He read; if we exceed the funds budgeted and the acquisition the county's not required to award a contract. We have to preclude or re-solicit bids. So we can't make a budget supplement at that time, we have to go back out to bid again, is that correct?

Tari - All of Article 5 is when they do put things out for public competition; the potential bidders are aware of the county's contract steps are. They will see where they might exit the contract formation process without incurring liability for the county. It's to create both flexibility on the part of the county should things change but also understanding all of who might want to submit bids. What things might happen and what the county's rights are. For the budget, the bids come in over the amount that was actually budgeted for the purchase.

Jamaica - When the departments start the process they will make sure, there is a budget. If it is over the department can come to the board and ask for a supplement or procurement has the authority to cancel it.

Commissioner Jankovsky - Evaluation process, it is a different process because it is not necessarily the lowest bid. It goes to a selection committee; page 9 of 13 talks about this eligibility. He found it interesting the county attorney's office is an exception.

Tari - Drew had the same point. He recommended we take it out of "b" and add a new sub paragraph 4 that basically said as it does for any BOCC member. That a member of the county attorney's office who serves on the selection committee shall not participate in any future legal issues that may arise with respect to that contract.

Commissioner Jankovsky wanted to point out the BOCC is part of the selection committee. You have to reclude yourself; he wasn't aware.

Commissioner Samson - Makes sense to him but why would a BOCC member ever serve on a selection committee?

Drew - It's up to the board if they want to give themselves that option or not, that power or not. They can easily rewrite it so they can never be on such a committee. If they

choose to serve on that committee or if a county attorney does, that ends their involvement.

Commissioner Samson thinks it would be essential that if they did serve on the selection committee they would preclude their opportunity to vote on that as a BOCC member.

Drew - Yes.

Commissioner Samson - His question still remains; why would they ever serve on a selection committee.

Commissioner Jankovsky thinks if they do, you have to realize you won't vote on the selection when it comes through.

Tari - If there was a subject matter that they were most familiar with or a particular interest.

Commissioner Samson would think that would come up at the vote of the BOCC.

Commissioner Jankovsky just brought it up so they are all aware as BOCC members.

Commissioner Samson is saying ultimately he doesn't think a BOCC member should sit on a selection committee for bid because they need to make the final decision as a BOCC.

Commissioner Jankovsky would rather leave this in case it does happen.

Tari - The important thing is to have it if this situation arises and it would be a case by case.

Drew - If they want middle ground, they can add a sentence saying that participation by BOCC members on selection committees is heavily discouraged.

Chairman Martin - Doesn't think they need to add to it.

Gene - It's also part of the risk assessment, it keeps it clean.

Commissioner Jankovsky - At the bottom of 9 of 13 we talk about the 5% advantage for local business; is that 5% only on the total score or only on the dollar amount.

Tari - Article 5, Section 5.1 is the local business preference they adopted in 2011 and it is virtually verbatim of the resolution. Low bid is not the determining factor of who wins the contract.

Jamaica explained how the points were set-up and then 5% is taken for local preference.

Commissioner Jankovsky - 11 of 13, it almost sounds like they can come back and reduce their....comes down to a negotiation.

Tari - This is a standard procurement practice; that's what it is.

Commissioner Jankovsky - 13 of 13 gets back to public records. This falls back into the contract management to some extent and open records. Question there; is there a specific amount of time you have to hold those records?

Gene - It will be further analyzed. When the board approved they did address how long to retain documents. They will work with Tari so it is clear on how long to retain.

Tari - The point of this being set forth is to make sure bidders know if they are claiming confidentially of any of the information they share with the county, they may at some point have to address providing that in response to a request for records under the Colorado Open Records Act.

Drew - The open records acts allows for protection of trade secrets. It is highly unlikely that is the case. Procurement is one of the most fertile for open records requests.

Everyone wants to know why they didn't get it. This is a big enhancement to the current code.

Jean has the most recent plan for archiving.

Commissioner Jankovsky - How often do we do a cost reimbursement contract or a task order contract?

Tari doesn't think they do task order contracts.

Chairman Martin - They did with the airport.

Tari read the statutes. They may use task order contracts in the future for example a countywide supplies agreement. It will help departments to account for their budgets.

Gene - It becomes a factor of strategic procurement planning that he doesn't even think they broached that subject yet. For example tires, they do multiple purchases of theirs throughout the year and if they went with the task order, they could get a better price.

Commissioner Jankovsky - On 3a, insurance, pretty much \$1 million is standard and he thinks they should look at and see if it needs increased.

Tari - That is an area that is going to get a lot of attention.

Commissioner Jankovsky - Article 7.3 waivers and exceptions; this is wide open.

Tari - They will be clarifying that, it is in consultation with and subject to the approval of the county manager.

Commissioner Samson believes the FML will be looking at this.

Chairman Martin - The requested action today; they have received the boards input, changes and concerns and now they want the board to give them authorization to continue?

Tari - Yes.

Commissioner Jankovsky - This is a strong document; it's a good document and sets a sound foundation.

Drew would ask the commissioners to conditionally approve the code as presented, addressing all of their policy changes in the next iteration with a final code to be presented to them no later than October 1st, which is a Monday.

Chairman Martin - To Tari; that's also your recommendation?

Tari - It is; she thinks it is very important that they make sure that the user departments, elected officials that they haven't missed anything and are comfortable. Also, they want to collaborate with their budget for 2013 process and help initiate some of the training programs based on their actual 2013 plans. She had one point of clarification; they were talking about the local business preference and when it applies. In the current 2009 code, local business preference is tied to what is called formal solicitation, which is the public competition opportunities. That public competition now applies to, under this proposed code, all purchases of \$25,000.00 and over. There is still no formal rule about how any local business preference applies in the \$10 to \$25,000.00 range. She wanted to make that clear and if it needs to be changed...

Chairman Martin - That can be done on the formal adoption, have a discussion, have that actually clarified if it's going to be in there or not. He thinks that is one of the main topics they need to talk about. Counsel; the proposed motion to tentatively accept and move forward, what is your legal opinion on that?

Carey - They have raised some really good legal questions that she can continue to work with the procurement department on. Tying up some loose ends about disqualifying the county attorney's office if they participate in a bid or timeframes for

retaining records what those are. The question she has for the procurement department is they did have placeholder for standard contract terms with a desire to have those approved by the new county attorney with an October 1 timeframe; is this something they can still accomplish without finalized terms.

Tari - Yes, the current approved forms will continue to work and if they need to make more individualized review of them, they can do that. However, they are also planning; they are pretty far down the road in getting the new forms ready. Whoever the new person is will not have to start from scratch. The existing contracts do work.

Chairman Martin - We are looking for a motion to tentatively accept this until the final version.

Commissioner Samson - When do they anticipate bringing that before the board; Tari stated October 1st?

Tari - The very latest would be October 1st as soon as they know, in addition to the changes they talked about today, as soon as they know additional changes are needed they will be back.

Drew - The completing the glossary is an important task. Flushing out the areas they pointed to today is an important task but neither of those will take very long. What he has been told and what the team has been working towards is there will be something akin to open houses as they did for the open records policy. There will be a session for the elected officials held in the jury commissioner's room, there will be sessions in Glenwood, Rifle and he plans to make attendance for the department heads mandatory. As distinguished from holding an open house and hoping that people show up. He wants to be certain they have chance to give input because they are going to be held, as you say, very accountable to this code.

Commissioner Jankovsky - I'll make a motion; what was the...

Drew - Conditionally approve.

Commissioner Jankovsky - That we conditionally approve the procurement code as submitted with changes and additions moving forward.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

## **COMMISSIONER ISSUES**

### **5. 11:00 a.m County Treasurer Update: Georgia Chamberlain**

#### **a. Cutwater Asset Management - Marc McClure & Bruce Ely**

Bruce Ely and Marc McClure were present and passed out information for the boards review.

Marc explained this report in detail.

## **LUNCH - Noon**

## **COMMENTS FROM CITIZENS NOT ON THE AGENDA: 1:00 p.m.**

Lisa Warder - Jim put an article in the newspaper but wanted it on the air that the senior exemption is being funded by legislature this year. Jim wants to make sure that every senior who is eligible is aware. The applications must be in the assessor's office by July 15th. That is a Sunday so they have until July 16th. The applications are available on the county's website or they can call the office at 970-945-9134 or they can obtain them on the Colorado Division of Property tax website. They would have to be 65 as of January 1, 2012 and lived in their home for 10 years as of January 1st this year.

## **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

### **1. County Attorney Update - Land Use Issues: Carey Gagnon**

### **2. Public Meetings:**

#### **b. Update on the Advisory Committee on the Land Use Code of Garfield County - Tim Thulson**

Tim - They are meeting every other Tuesday and they have completed Articles 1 through 4. They are moving on to 5 and 6 tomorrow. Tim feels it is going along well. Haven't seen all written material yet from their advisory, which will go to all the members. It is more work than they thought it would be.

Commissioner Jankovsky - They are have a discussion tomorrow discussing the ULUR with the first round of Clarion changes.

Tim - It is an open public meeting, any citizen can come and they take comments at the beginning of the meeting. They have had very little input to date.

#### **c. Presentation regarding the Mount Callahan and Saddle Natural Areas as designated in the Colorado Natural Areas Program in partnership with OXY USA WTP LP - Brian Kurznel, Chris Clark, Daniel Padilla & Fred Jarman**

Daniel Padilla, Niles, Brian Kurznel and Chris Clark being present.

Daniel gave a power point presentation.

Chairman Martin thought it would be nice to see plants without flowers so people can identify without the flowers.

Brian wanted them to know they would be receiving a letter of designation.

Commissioner Jankovsky asked Fred if they had sent a letter as a cooperator.

Fred - This issue was made aware to them in May and they sent a letter and asked for additional time and to sit down with folks like those who just presented.

Brian sent a letter of designation.

Commissioner Jankovsky thinks they want to do a workshop, spend time and come up with comments if it will do any good.



Brian depends on how detailed they want them to get into. If they wanted them to detail all the best management practices that they would be implementing with OXY, there may be benefit in that.

Commissioner Jankovsky's concern is the federal government comes into our state, our county and they don't talk to them and don't include them, and sometimes they make decisions the county has to live with. Not just this item; multiple issues going on now. He thanked OXY for job they are doing.

Brian - They are in draft stages now, then they would write a letter saying they want to move forward and call for a public meeting.

**d. Staff request for Board direction regarding processing of a request for Special District review for the Cattle Creek Metropolitan District. The proposed district will provide street improvement, transportation, water, sanitation, park and recreation service to the River Edge PUD. - Kathy Eastley**

**attachment Cattle Creek Service Plan memo**

Kathy explained this is a process that is not defined in the county's land use code. They are reviewing this service plan pursuant to statutory requirements. Two years ago, the last service plan was submitted for review for the formation of a metropolitan district, in fact for the same property they are looking at today. River Edge has entitlements associated with it and the formation of a metropolitan district for purposes of transportation and roads is being requested. She provided the board with a memo, which states the process the statute requires. The Clerk and Recorder is required to refer the plan to the planning commission. Staff is requesting that the board join in the referral to the planning commission. The second request would be regarding special review; in the past, there was an economic analysis was done. That service plan encompassed a \$40 million dollar debt ratio and the current plan is less than \$6 million dollars. That economic analysis probably isn't necessary at this point. There may be some review required. They are requesting authorization for a special review should it become necessary. The final request is that the BOCC becomes the responsible entity for public notice requirements for the hearing before the board and staff is requesting the board designates herself as the staff planner as the authorized designator to do that public notice.

Chairman Martin asked Jean if she received a check for \$500.00.

Jean received the application and forwarded to DOLA as required and she did receive a check for \$500.00 and recommended it go to the planning commission.

Commissioner Samson - The action they need to take is to direct the application to go forward through the planning commission and does it require a motion?

Chairman Martin - Yes.

Commissioner Jankovsky - Can this be done all in one motion, Chairman Martin replied yes, and also they designate a staff person to do the notification.

Kathy - It's to join in the referral.

Commissioner Jankovsky - I make a motion that we join in the referral with the county clerk to request a special district review for the Cattle Creek Metropolitan District and that we appoint county employee Kathy Eastley to also provide the public notice for those meetings. Does that satisfy your needs?

Chairman Martin - Do you want to have any more special fee or whatever?

Commissioner Jankovsky - Well there's that, another \$559.00 required?

Kathy - Correct.

Commissioner Jankovsky - And I think that's reasonable to include that.

Chairman Martin - so that is included in motion?

Commissioner Jankovsky - Yes.

Commissioner Samson - So we've got a, b and c covered there, okay I'll second the motion.

Chairman Martin - So a motion and a second to refer it, charge the fee and to appoint Miss. Eastley as the notification requirement.

Commissioner Samson - We've never done this before, I'm not familiar with this at all. Have we ever done this before?

Carey Gagnon - Miss. Eastley is correct it did come before you perhaps two years ago; but this will be a unique experience for everybody involved.

Chairman Martin - Counsel did you have any other considerations?

Carey - The only point of clarification would be that the referral is to the planning commission. I don't believe that was stated in the motion.

Chairman Martin - That is a joint recommendation.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

**e. Consideration of a Director's Call-Up by the Director of the Building and Planning Department regarding a General Administrative Review - Land Use Change Permit for an Accessory Dwelling Unit including a Request for a Waiver from the Roadway Standards contained in Section 7-307 of the Unified Land Use Resolution of 2008 as amended, located approximately 2 ½ miles north of the Town of Silt, at 100 Cedar Drive (File GAPA-7216). The Applicant is Frances Cardillo - Glenn Hartmann**

**attachment Cardillo ADU Director Callup Staff Report**

Chairman Martin - Notification was not required.

Glenn - June 29th the director of the building and planning department issued a direct to determination of a call-up to the Board of County Commissioners. As part of the call-up, the applicant has requested a waiver. This hearing is for the board to decide if they want to schedule a public hearing. They are in compliance of the code as far as process, they have coordinated with Carey Gagnon and have included in the packet the directors determination letter, the staff report, referral comments, and public comments/letters.

Carey would entertain any questions the board may have and she may have further comments.

Frances Cardillo - The ADU has been in existence for 12 years and there are four homes on this private drive. They have not had any problems in 12 years. The drive is big enough to pass each other, but it is a private and they don't think there is any reason they shouldn't be granted the waiver.

Commissioner Jankovsky - They would have to go to a public hearing for this.

Carey - There are two reasons for the call-up this time, the director himself for the call-up and also adjacent property owners who provided feedback as well and would like to join in the call-up. Those are under the code for which a call-up can occur. This is just a public meeting to determine if they would like to call-up and if they would, they will schedule a public hearing.

Commissioner Jankovsky - I'll make a motion that we call this up for a public hearing to further discuss this issue concerning the land use change permit for an accessory dwelling unit. The applicant is Francis Cardillo.

Commissioner Samson - Including a request for a waiver from the roadway standards. I will second the motion.

Chairman Martin - Everything you need Glenn in that motion?

Glenn - I think we're good unless, Carey do we need a date?

Carey - We do to go ahead and set the date and I believe you had a proposed date.

Glenn - The earliest would be August 20th that we could notice; it's a 30 day required public notice period.

Chairman Martin - Understood as the applicants. And that is part of the motion accepted?

Commissioner Jankovsky - Yes.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### 3. Public Hearings:

**a. To consider a request for a Major Impact Review application for the expansion of the Parachute Creek Gas Plant on a 1,333 acre site located off of County Road 215 (File No. MIPA 7142). The Applicant is Williams Production RMT Company LLC/WPX Energy Rocky Mountain, LLC - Molly Orkild-Larson**

[attachment Parachute Creek Gas Plant Staff Report and Exhibits](#)

[attachment application Parachute Creek Gas Plant](#)

Phil Vaughan, Blaine Pretchert, Pat McCown were present. Yancy Nichols, Matt, Jeff Wilkinson, and Jeff Sturgeon were in the audience.

Phil Vaughan answered all notification questions.

Carey - Notice was accomplished and they may proceed.

Chairman Martin accepted and put into the record and swore in the speakers.

Molly read the exhibits and gave a power point presentation.

Phil Vaughan - They have dealt with all the relative aspects of this applications and they agree with conditions set forth. They feel they have met and exceeded all the requirements within the Garfield County Unified Land Use Resolution. The only request they would have today if they could incorporate in their approval an indication for the Garfield County building department to be able to issue building permits between now and finalization of any resolution. One clarification in the materials submitted; construction will start on or around September 2012 and then completion sometime around June or July 2014. There will be no increase in water or sewer system capacities or traffic, only during construction. Phil explained why all storm water permits statewide are expiring at the same time.

Blaine explained why they went from gas to electrical on the compressor station.

Carey had a question for the applicant. They made a request for something additional on building permits; are they looking for permission to pull a building permit before the land use change permit issues or between the time period of a motion approving the application and the moralization of a resolution?

Phil - Between now and moralization of a resolution.

Richard Roads thinks they should approve this project, as they were good neighbors.

Commissioner Samson - I'd like to move to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Samson thinks everything is in order for the application and is impressed with the work they have done. He is glad to see this is going forward and thinks this is good for Garfield County and hopes other companies can follow suit.

Commissioner Samson - I move to approve the land use change permit through the major impact review for the processing and handling, material handling for the expansion of the Parachute Creek Gas Plant on 1,333 acres on property owned by Williams Production RMT Company LLC/WPX Energy Rocky Mountain LLC with the recommended findings and conditions as amended and presented to us and added to that the building & planning department issue building permits as appropriate meaning between what two stages you said?

Carey - It would be between this public hearing and your decision and when you sign the resolution on consent. I believed it would not need to be incorporated as a condition of approval in the application. I think it could be accomplished by direction to staff and since your director of building and planning is sitting here to go ahead and issue building permits as requested by the applicant.

Commissioner Samson - I just heard you say the term moralization.

Chairman Martin - Signing of the resolution.

Commissioner Samson - So we don't need that in there. We'll just give that as direction then. We'll let the motion stand as stated.

Commissioner Jankovsky - I'll second that; just want to clarify that all your conditions are the conditions that were presented by staff.

Commissioner Samson - Yes.

Commissioner Jankovsky - The other statement is this is an important business in Garfield County. It's important for our economic well-being and I'm glad to see that you're expanding the plant. Would like, hopefully when you're doing that see as many local sub contractors used as possible so we keep some of those funds in Garfield County. It's very important for our well-being that this plant continues and I'll leave it at that.

Chairman Martin - Thank you very much for a nice application. It was lengthy, it did take a lot of time to read and unfold. Good testimony from the public. Sometimes decision are hard, sometimes they are easy. We'll have to make a decision and we'll all live with it.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**b. Consider a request for three (3) telecommunication facilities to be located on three (3) parcels within North Parachute Ranch, between eight (8) miles and twenty miles (20) north of the Town of Parachute. These facilities are proposed to serve Encana Oil & Gas (USA), Inc. operations in the area. - Kathy Eastley**

[attachment Staff Report and Exhibits Encana Communication](#)

[attachment application Encana Communication](#)

Loren Prescott would like to switch the order and do the impoundment now and the communications last.

Chairman Martin – We'll switch.

**c. Consider a request for a Land Use Change Permit for a Limited Impact Review application for a Material Handling - Water Impoundment Facility, also known as Hunter Mesa Water Storage, located approximately 5.4 miles southeast of the City of Rifle located off of County Road 319 (File No. LIPA-7223). The Applicant is Benzel Land LLLP and the operator will be Encana Oil and Gas (USA) Inc. - Glenn Hartmann**

[attachment Staff Report and Exhibits Benzel Hunter Mesa Water](#)

[attachment application Benzel Hunter Mesa Water](#)

[attachment application Benzel Hunter Mesa Water](#)

Loren Prescott and Chris Duran were present. Loren will answer all questions.

Carey - Notification is proper and they may proceed.

Chairman Martin accepted into the record and swore in the speakers.

Glenn read the exhibits and gave a power point presentation.

Loren - One of the most important points that should be made; this application represents an extension of the existing previously permitted facility. He wanted to note there would be no surplus materials from the excavation. They will make use of all the materials. On behalf of EnCana he would like to request consideration for a change to condition 6; the way it is written it mandates to the materials that are included in a letter from Levy Atwater. Some comments particularly the first and second bullet point; this is in conflict with the existing operations. He is asking the condition be modified to reflect that the applicant would perform and operate the facility in accordance with the methods of operation at the existing water impoundment facility and with additional input from the CPW as needed. Another point associated with that is going back to the form 28 process, which is the COGCC requirement for EMP waste facilities. Also condition 10 drainage improvements at the intersection of the access road; initially there was difficulty in interpreting the comment based on the fact the drawing was blurry. Those have been discussed and they are in agreement with condition 10.

Chris - This is essentially to keep their water balanced. The life expectancy of the ponds is 30 years.

Loren - One of the core components of the application is details of reclamation and bonding.

Linda Sugar - They received a certified letter they would not have come today if it would have included the subject site plan. There was nowhere in the letter that would allow her to draw out the subject site where that would have been. The county gave them a map and location of that site; if that would have happened they wouldn't have been here. They were asked by the county planning department to put in request that maybe besides the 1,991 acres there would be a map showing the subject, where the plant would be put. It would help people to know if they had a problem with it or not.

Chairman Martin stated they would take that into consideration.

Carey - It is certainly something they can do, it is not required by the code. It is something that could be a small change to the code. If anyone does have a question about specific larger parcels, they can call and ask or come in and review the application.

Linda - EnCana is very easy to work with and give a great importance to any request they have.

Chairman Martin - Motion to close the public hearing.

Commissioner Samson - So moved.

MOTION

Commissioner  
Mike Samson

SECONDER

Commissioner  
Tom Jankovsky

VOTE

UNA by roll call vote

Commissioner Jankovsky - Motion to approve the land use change permit on the Benzel land for the operation of EnCana Oil and Gas for the Hunter Mesa material and handling/water impoundment facility with the following conditions; one through 18 as provided and then with an amendment to condition number 6 and go back to the Colorado Parks and Wildlife letter and delete on page one would be the first dot I guess and the second item on page one and then go to page two and the third dot down and eliminate that as well. Dot one, dot two on page one and dot three on page two.

Chairman Martin - You want to remove construction of the site should take place outside of the winter concentration period of December 1 through April 15th and restrict post development, site visitation between the hours of 10 a.m. and 3:00 p.m. and the site visitation between December 1 and April 15th in the mule deer winter range and the other one is fluids, pits with a four to one escape ramp to allow entrapped wildlife to escape.

Commissioner Jankovsky - Those are the ones I wish to remove. I understand those winters for mule deer and elk grazing but I, in this case I don't think that's an issue. Instead of trying to address, go ahead and eliminate those.

Carey - Since you have given me the opportunity, I'm going to take advantage of it. New condition of approval number 6 would state compliance with Colorado Parks and Wildlife recommendations contained in their June 28, 2012 referral comments shall be required for mitigation of impacts on wildlife. Those comments are as follows and then we would include only those that you still, that you haven't omitted. Bullet points 3, 4, 5 and 6 on page one of the letter, bullet point 1, 2, 4 and 5 on page two of the letter and then the condition would also state compliance with the recommendations of the applicant's environmental effects and habitat protection reports completed by West Water Engineering shall also be required. Does that accurately reflect your conditions?

Commissioner Jankovsky - That does accurately reflect that condition yes.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**b. Consider a request for three (3) telecommunication facilities to be located on three (3) parcels within North Parachute Ranch, between eight (8) miles and twenty miles (20) north of the Town of Parachute. These facilities are proposed to serve Encana Oil & Gas (USA), Inc. operations in the area. - Kathy Eastley**

Loren Prescott, Chris, Tom Cogburn being present.

Carey - Established notification was correct and they could proceed.

Chairman Martin - Accepted and put into record; swore in the speakers.

Kathy identified the exhibits; she did receive a letter today in response to one of the recommendations of conditions of approval.

Chairman Martin added the exhibit, marked it "K", and distributed copies.

Kathy gave a power point presentation.

Fred - This applicant had a wildlife report done by a very reputable firm. He thinks what is more notable here is the fact this applicant has incorporated portion of the PPR plan

on a voluntary basis. He wanted to highlight for the record is the PPR plan is not a required plan by the DOW.

Commissioner Jankovsky was concerned about not being able to put site there if a species gets listed.

Kathy thinks the bottom line is that given the fact there is a wildlife mitigation plan that EnCana has with Colorado Parks and Wildlife that incorporates the voluntary measures into it; staff recommends that condition number three not be necessary. They would comply with their wildlife mitigation plan with the DOW. Additional conditions of approval are contained in staff report. The final condition that was recommended was prior to issuance of the land use change permit the applicant shall submit meets and bounds descriptions of the three sites and update the site plans. She has received those updated site plans; she has a resolution of approval she is requesting for authorization for the chair to sign as well as three separate change permits. One for each of the sites. Condition 7 has been satisfied.

Loren - This is the next phase to augment their communications.

Chris - In Exhibit K, they can see that EnCana since 2006 has been participating with the DOW to provide for a wildlife management strategy. They are concerned with the environment in which they do business.

Kathy explained Form 7460-1.

Carey - Staff does not have discretion on which code requirements have to be satisfied or not. They have to determine that all conditions are satisfied. The code contains a minimum standard that says the form must be submitted. The discretion lies with the commissioners to grant a waiver and the basis for granting a waiver is that the minimum standard is inappropriate or cannot be practically implemented. That is just to highlight what their decision today should be based on pursuant to code language.

Chairman Martin - Do we have a motion to close the public hearing?

Commissioner Samson - So moved.

MOTION

Commissioner  
Mike Samson

SECONDER

Commissioner  
Tom Jankovsky

VOTE

UNA by roll call vote

Commissioner Jankovsky - I'll make a motion that we approve the request for a land use change permit for three communication facilities within the north Parachute ranch properties owned by EnCana know as Long Ridge Tower, Upper Gate Tower, South Middlefork Microwave site with the following conditions; one through 7 as provided deleting number 3 and that we also allow waivers 1 through 3 which waiver one is Section 7-307 for roadway standards. Waiver two would be Section 7-823 which is for landscaping requirements and waiver three would be Section 7-823 which is for fencing or a suitable buffer. I'm not going to have a waiver on the FAA form at this time. I think there's further discussion that needs to go on.

Commissioner Samson - Did you also say, you said three and seven.

Chairman Martin - Three and seven; that has been removed.

Commissioner Jankovsky - Three has been removed.



Commissioner Samson - And number seven?

Commissioner Jankovsky - No I left seven in. Kathy said it's already been satisfied.

Commissioner Samson - All right I'll second it.

Carey - May I have a point of clarification.

Chairman Martin - Yes counsel.

Carey - To the motion maker if you have declined to grant a waiver on submission of the FAA form, does that now become a condition of approval that that form be submitted prior to the issuance of the land use change permit?

Commissioner Jankovsky - Yes that would be correct. It would be a condition of approval.

Chairman Martin - In reference to that issue, I think that we need to clarify that, see if it is required etc. But that's a direction to staff outside of the motion. At least we'll get some clarification so we'll have that in the future reference. Motion is there; it also deals with the sage grouse, the fences, the landscaping and the screening, the road standards for access etc.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

**a. Commissioner Reports**

Commissioner Samson - Commissioner Jankovsky; have you ever brought this up specifically?

Commissioner Jankovsky - Yes.

Commissioner Samson - What is the reaction?

Commissioner Jankovsky - It's not even considered. That's why we are trying to go through the coordinating process. Because our plan has been 100%, no 200% denied by the BLM, and US Fish and Wildlife and the State of Colorado.

Chairman Martin - Even though they are signatories to the project?

Commissioner Jankovsky - Even though they are signatories.

Commissioner Samson - That's what I wanted to have on the record.

Commissioner Jankovsky - Maybe if I could go first I could go right to that. I've been communicating with The Colorado BLM Director Helen Hankins and she is sending Northwest BLM representative Jim Cagney here for a work session, it should be a public meeting next Tuesday the 17th. This is an important meeting; it will be the first time they have gone through the coordinating process. I am going to request that either Margaret or Dan Byfield be here to spend some time educating them on the coordination process. Fred will need to have Erik here and they need to have a game plan on how to proceed and he will work with Margaret and Carey on that on how they will proceed through that. It will be open to the public, but they will not take public comments. It will be here in this room, they have not set a time yet. He doesn't know if Margaret has to meet with the three of them individually or how they should do that. So they can have an understanding of how the process works.

Drew - I know that, and I have spoken with Margaret Byfield personally and I know that she is an attorney in Texas. I don't know if she or her husband is licensed in the State

of Colorado. I don't want her or us through invitation or any other combination of possibilities to get her crosswise where she is advising them.

Commissioner Jankovsky - I think it would be a training session. I have gone to one of her training sessions already in Colorado in Montrose through CCI and I do not believe she would be representing us as legal counsel.

Commissioner Samson - Could she do that in a public meeting?

Commissioner Jankovsky - Yes, I would like to have that done prior to BLM, our meeting with the BLM.

Drew - You don't really have anything to hide. Your meeting here we noticed the meeting, she's giving you information and education openly, your council is the county attorney, she's here to give you information about federal law and process. Anyone can be here and to listen; you're not taking comments from the public and that's that.

Commissioner Jankovsky - I think we need to get an invitation out to our large landowners who are affected by this. They have not had a chance to really participate yet. They can be here and listen. What they are trying to do through the coordinating process, we're not trying, it is federal law that we have a plan. And they need to at least tell us why they are not incorporating our plan into the BLM EIS.

Commissioner Samson - We also want Kirby there.

Fred - I think you have hit it right on the head. I was only going to suggest maybe having the time frame set from 10:00 a.m. to noon to have that training and then come back for their public meeting at 1:00 p.m. We need to come to some kind of time so they can put the notice.

Commissioner Jankovsky - Agree appropriate. He needs a little flexibility to contact Margaret and Dan Byfield.

Fred - The good news it only requires 24 hours notice in advance.

Commissioner Jankovsky - I have code revisions tomorrow at 8:00 a.m., 11:00 GARCO Corp., he is gone all day Wednesday for sage grouse meeting and the state will be there. He will miss Human Services and Garfield Clean Energy meeting that day due to the sage grouse meeting. On the 12th a BLM resource management plan from 1:00 to 4:00 p.m. and the air show on the 13th and 14th.

Drew - I have a question about the air show or clarification for the public. The governor's decision to lift the fire ban statewide does not affect the sheriff's authority as to the county. The sheriff has requested that even though the governor has made his decision, the conditions in Garfield County are unique and he plans to keep his ban in place. That doesn't make your airport director happy at all. He would like very much to light the lights and do what he can and I have basically told him, or about to tell him the sheriff has handcuffs and he doesn't and that you all have already issued your press release based on your policy. Am I correct that the will of the board would be to keep it as you left it last time on this issue and just ban pyrotechnics as it was presented to you last time?

Commissioner Samson - That was my feeling; I talked to Brian a little bit last night and I told him I thought just the perception of things that we keep it the way we have it.

Commissioner Jankovsky - If the sheriff would pull his ban; but he's not going to. We have to honor the sheriff on that ban.

Commissioner Samson - And I think the City of Rifle pretty much wants that also.

Chairman Martin - So it will stand.

Drew - I will communicate that to your airport director.

Commissioner Samson - 8 to 12:00 tomorrow, Mike Blaire wants to talk to him and then he has an interested party that has invited him at 3:00 p.m. to go out to grass mesa. He is quite concerned about oil and gas development. I don't think it's going to be a positive. Wednesday from 9:00 - noon FML meeting and awards ceremony at noon.

Drew - No sir; the 9 to noon breaks down as 9:00 to 11:00 for the district boards annual meeting, which will be in the conference room and at 11:00 a.m. there is an informational session for the award recipients here in this room.

Commissioner Samson - I'll be meeting with Dave Devanney at 2:00 p.m. to talk about open space and some more information concerning hopefully Routt County system up there. Thursday I will be at the Yampa Valley Airport for AGNC; he will report back. Air fair meeting all day on Friday, what time does it start?

Drew - That's something we should know.

Commissioner Jankovsky - We were given tickets last year; will that still happen?

Drew - I'll make sure that it does.

Commissioner Samson - Someone had a question; there's the VIP reception is that Thursday night.

Drew - Thursday night in the Atlantic Aviation hangar at 5:00 p.m.

Commissioner Samson - On Sunday 15th there is a 2012 meet and greet for Colorado River Fire Rescue Fire Fighter appreciation barbeque will be at Veterans Park in Silt from 11:00 a.m. - 3:00 p.m. Would you like for me to call and tell them you will be coming to this or not coming? I will be attending.

Chairman Martin - I won't even be in the state.

Commissioner Samson - You'll be gone, so I'll tell them you'll be in attendance; but I won't be there until after noon. I'll will tell them that the two of will be there (Jankovsky).

Chairman Martin - I did attend a meeting up in Denver for CCI, relayed new information on our vegetation management requirements and permits, training because of a lawsuit that went forward in Federal court and the clean water and quality act has been amended again through policy. We're going to have to meet some new permitting and training processes. Even if we contract like mosquito control; they're going to have to have permits, federal permits to do that kind of stuff if it's anywhere close to aquatic life or moving water. It's water period, not just moving. That is something that Carey will be working on; it's a new legislation new requirement we have to look out for. I will be going to Pittsburgh; your issues in reference to sage grouse are going to be front and center. There is also going to be issues on oil shale, some endangered species act, also there will be a request to follow-up returning federal lands. What is a reasonable amount of time?

Commissioner Samson - What is the congressman's name; Mike?

Chairman Martin - He thought it was Lee but it's not he's from Utah. He's picking up a little steam but there still has to be a legal challenge, what comes first in time. The agreement between the union and the states that requested statehood or the federal land planning act. FLIPMA, which says there will be no more releases of federal lands etc. I think it's an uphill battle but it will have to go to a federal court to determine that if the inclusionary document is senior to the federal land planning act and that answer has not been done by the courts. I think that's where it's headed to a court issue. My return date will be the 17th and I leave on the 12th at 6:00 a.m.

Commissioner Jankovsky - Will you be back for our sage grouse.

Chairman Martin - I'm going to try; depends upon the timeline and airlines. I'll leave at 6:25 a.m. on Tuesday Pittsburgh time and will try to get here by noon.

Commissioner Samson - On Wednesday the 18th I have, is there a meeting with the legacy?

Chairman Martin - It's a special meeting at 8:00 a.m. and that's to consider if we're going to put something on the ballot or a work session to be able to come up with answers to the questions being posed in reference to that.

Commissioner Samson - Shared this with Drew and gave him a copy, it's from Tom Stuver who represents the group that put two statues at the fairgrounds. He had some concerns; I met with him. He said he would like them to consider a formal dedication/transfer of ownership to Garfield County. What he was hoping was to set a time and day during fair days to have a dedication. He will work with him. Number two; confirming that the sculptures will be included under the county's properties insurance schedules in an amount at least equal to their acquisition cost, the mutton bust sculpture was \$25,000.00, team roping was \$18,500.00. Would that be an easy thing to do?

Drew shared the letter with the county attorney's office. These statues are currently in private hands. They would donate them to the Rifle Community Foundation I presume. That's a 5013C and that would give them the benefit of that donation not from the county. Then the foundation gives them to the county and in terms of listing them on our insurance schedules, they can call their agent. The one thing here there are a couple of two, three transactions and having the dedication ceremony at the time of the fair makes sense. I would not want to commit our legal resources to getting the i's dotted or t's crossed by the 31st. You can get all this done; put the agreements in an August agenda and do that part later.

Commissioner Samson - He would like for us to use our influence to try to persuade Excel Energy. There is a pole that is just a support pole for the pole across Railroad Avenue. The way I look at it is if they would be willing, they could move that back several feet and put it here so that it's not in the view as you walk or drive by.

Drew - I will refer that to Dave and Betsy.

Chairman Martin - I think that will be a relocation of the pole and the county will have to bear the cost of that. It will still take six months. And it has to be in agreement, an exemption, you have to pay and all that stuff.

Commissioner Samson will coordinate with Tom on a day.

Chairman Martin - The request for the to be elected on positions. Are we working on that, do we have a progress report?

Drew - Yes, I talked with the member of the library board this weekend and will have a report for them.

Commissioner Jankovsky - Can we do that or does that have to go to a vote?

Drew - No, it's a complex set of facts and he will deliver to them.

Chairman Martin - It's in the bylaws and we have to refer to state statute etc as well as other agreements in place.

Drew - The library district board is appointed and your decision to do so dates back to some time. Even though none of the appointed members of the library district board has recently been appointed by you, the advice of their counsel has been acting as if

you have. They have followed their terms and followed your original instruction in the absence of anything else. The decision about whether or not you would now want to change the method in which the library district board members are selected, changing from the appointment power to the election power is part of a larger topic. There are costs associated with that. At one point they were elected nobody ran. There are multiple factors and it's not something I can do off the cuff and say let's change it. It's more complex and that's where it is. It has been assigned to me and I will get back to you.

Drew - If you want to be the next Garfield County attorney, you have until midnight to submit your application to Peckham and McKinney. The next you will hear of this is July 23rd at 1:00 p.m. and then interviews scheduled August 16 and 17.

**b. Commissioner Calendars**

**c. Approval of Minutes**

**d. Commissioner Agenda Items**

**ADJOURNMENT**

**Special Meeting**

**1. Public Hearing:**

- a. 8:00 a.m. Consider a request for a Unified Land Use Resolution text amendment as proposed in the Targeted Code Improvements to improve efficiency and reduce barriers to economic development, as drafted on behalf of the County by Clarion Associates. The request is to amend certain sections of the code, specifically Articles 3, 4, 7, 9 and 16. Applicant is the Board of County Commissioners - Tamra Allen and Fred Jarman**

**This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. If special accommodations are necessary per ADA, please contact 945-5004 prior to the meeting.**

**Prepared by: Jena Thompson**

**July 16, 2012**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**ROLL CALL**

Chairman Martin was absent. Commissioner Samson explained that he was attending the National Association of County Organization meetings. He's been there since Thursday and he will return Tuesday, July 17. We will excuse him as he is doing County business in Washington, DC for us.

Commissioner Jankovsky added Commissioner Martin is the Chairman of the Public Lands Committee for NACO, which is a very important position, which represents public lands all through the United States. He is the First Vice President of the Western Interstate Region. It's important that he be there and when 70% of our lands in Garfield County are public lands, it's very important for Garfield County as well as the Western United States.

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

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

Girl Scout Troup 244 from Silt, Colorado went to Washington, DC for the National Conference for the entire world. They reported to the Board on their trip, activities and thanked them for supporting their travel expense. 15 girls and 9 adults went to the conference. Over 250,000 girls attended. Picture frames of the girls taken in front of the Lincoln Memorial were presented to each Commissioner.

### **REGULAR WORK SESSION:**

#### **1. County Treasurer Update: Georgia Chamberlain**

##### **a. Resolution concerned with Reimbursement of Tax Lien Sale Certificate #2009-27 and Abatement of Schedule #R010123, Assessed to Gordon Brown, Certificate Holder RDLJ LLC**

##### **Attachment R010123-Gordon Brown Reimbursement Tax Lien Sale**

Georgia stated she was here a few weeks ago concerning a reimbursement of a tax lien sale and the investor had asked for a few more weeks in order to do more research. In those weeks, he met with the Assessor's office and concurred with their opinion that these minerals were double assessed and had gone back to the original property and were not severed minerals. Therefore, when Georgia took it to tax lien sale there was really nothing to be sold so it was an erroneous sale. Today, this Resolution is concerned with the reimbursement of the Tax Lien sale and abatement assessed to Gordon Brown and the certificate holder is RDLJ LLC. The amount for the reimbursement is \$149.85 for the principle and \$26.75 for the interest.

Commissioner Jankovsky - I will make a motion for the reimbursement of the tax lien sale certificate #2009027 and abatement of Schedule R010123 assessed to Gordon Brown certificate holder RDLJ LLC in the amount of \$149.85 plus \$26.75 for interest.

**MOTION**

**SECONDER**

**VOTE**

Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote
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**2. 7th Supplement to 2012 Budget - Ann Driggers**  
**Attachment Supplement#7 to 2012Budget**

Ann Driggers presented the request for the 7<sup>th</sup> Supplemental to the 2012 approved budget. She submitted Exhibit A showing all the attachments related to the request and it is for a decrease in supplemental revenues of \$4,844.00 and an increase in supplemental expenditures of \$960,579.00. She went through the items in detail. Some things were moved around to reflect the changes in the organization, one is the Vegetation Management moved from the Road and Bridge Fund to the General Fund. The same case is for the performance increases for county employees. Several weeks ago the Board approval a Total Awards Program of 2% performance increase and when we had originally done it in the budget, we set aside \$100,000 within the BOCC wage line item. Now, we need to spread across all of the funds and departments with the 2% of the wages. It affects social security and retirement as well. Hence, the substantial entries of this budget supplement funds are spread across the budget departments out of the Boards budget. The \$240,000 needs to be done by supplemental appropriations as it's between funds and not departments. Human Service Commission budget formerly in the County Manager's budget for several years moved on July 1 to the Human Services Fund to allow for better tracking for the state. The other substantial item relates to the COPS 2001, which was paid off but at the time, it was only for the cash portion, which netted the reserve fund from the total amount. Now we know exactly how this closed and the reserve funds came back to us. We need to record the full principal payment payoff so this is purely accounting. Some capital fund items related to the property tax payable to 201 8th Street for the Pocket Park Development, ceiling fans for the Fairgrounds Arena and things considered in the last few months. Commissioner Samson for Betsy, that's her jurisdiction on the riding arena fans and asked for a report. Betsy said everything is going well and we are on schedule for the Fair and Rodeo. Carey determined the legal notice has been accomplished.

Commissioner Jankovsky - I will make a motion that we approve Supplement No. 7 to the 2012 approved 2012 budget as presented including Exhibit A with a decrease in supplemental revenues of \$4,844.00 and an increase in the supplemental expenditures of \$960,579.00 and allow the Chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**3. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from**

**the Consent Agenda and considered on the Regular Agenda.**

- a. **Approve Bills**
- b. **Authorize the Chairman to sign a resolution to amend the building code to delete fire sprinkler requirements from the 2009 IRC - Andy Schwaller**  
[Attachment Reso Building Code](#)
- c. **Consideration and approval of Request for Cobble with delivery for the Silt Historical Society - Deb Fiscus**  
[Attachment Request for Cobble by Silt Historical Society](#)
- d. **Authorize the Chair to sign the Resolution for a Major Impact Review application for the expansion of the Parachute Creek Gas Plant on a 1,333 acre site located off of County Road 215 (File No. MIPA 7142). The Applicant is Williams Production RMT Company LLC/WPX Energy Rocky Mountain, LLC - Molly Orkild-Larson**  
[Attachment Parachute Creek Gas Plant Expansion Resolution](#)
- e. **Authorize the Chairman to sign a resolution memorializing the public hearing and decision regarding a request for three communication facilities located on Encana Oil & Gas (USA), Inc. land located north of the terminus of CR 215 and the Town of Parachute - Kathy Eastley**  
[Attachment Encana Com Facilities Resolution and Site Plans](#)
- f. **Authorize the Chairman to sign three land use change permits, one for each of the three communication facilities - Long Ridge, South Middle Fork and the Upper Gate site, to be located north of the terminus of CR 215 on land owned by Encana Oil & Gas (USA), Inc. - Kathy Eastley**  
[Attachment Encana Com Facilities Land Use Change Permits](#)
- g. **Ratification of appointments to the Garfield County Public Library District Board - Andrew Gorgey**  
[Attachment Library Board](#)
- h. **Consideration and approval of professional services contract with American Stewards of Liberty - Carey Gagnon**

Jean stated all items present for the Consent Agenda.

*John Hoffman* from the Trustee for the Town of Carbondale requested Item h be removed for discussion on the Contract for Professional Services with American Stewards of Liberty concerning the Roan Plateau.

Commissioner Jankovsky said first of all, the American Stewards of Liberty are not here to discuss the Roan Plateau, this is a contract on Sage Grouse for their help, which is something we are dealing with BLM quite a bit. For your knowledge, it is not concerning the Roan Plateau.



*John Hoffman* admitted he had a wrong impression.

Commissioner Jankovsky continued the discussion saying the American Stewards of Liberty is out of Texas; he had a training with them through CCI, which is Colorado Counties Inc. That training included how to get through FLEMA (Federal Land Management Practices Act) and parts in there where you have a local plan. Then when there is an EIS being done, the EIS has to include your local plan. With the Greater Sage Grouse, we do have a local plan called the Parachute Piceance Roan Plan (PPR), which is for conservation of Sage Grouse and it's a working plan signed by Garfield County, BLM, Colorado Division of Fish and Wildlife, Colorado Parks and Wildlife and numerous private landowners in the County. It's a working plan to conserve and protect the Sage Grouse. It's very much localized and takes in our considerations we have as far as differences in altitude as you have high plateaus, big valleys etc. It's a working plan that has been in place since 2008. The Sage Grouse is coming out potential to be listed and we have been working diligently with the BLM in that potential listing but they are not accepting our local plan; therefore, we are going through the FLEMA process asking them to look at our local plan. When you have a bird that is potentially, going to be listed that covers 9 states on a huge amount of lands we don't think that one plan fits all so we want to have our local plan looked at. That's the reason for this contract with American Stewards. They will actually be here tomorrow as we have a meeting with BLM and it is open to the public but we will not be taking public comments. The meeting will be with Garfield County and the BLM to discuss the Coordination Process through FLEMA and have them look at our local plan. It is something that is important for Garfield County.

*John Hoffman* understands and appreciates the explanation. It is important to protect our species to the highest degree and knows that the American Stewards of Liberty are often an agent of the oil and gas industry to lighten regulations and get legislation passed through that sometimes works against public interest.

Commissioner Jankovsky said I think you'll find if you talk to them directly, they are not a policy group at all; they have worked on issues such as interstate highway placement and issues local government has had problems with this. They have worked through FLEMA as well as now they are working on an issue with the local school board in California on where light rail is going. You'll find the policy is set by others and they are just working on a process. This is a federal process that is often not used by local governments. That's the reason we have this contract. You'll find they do not set policy and agrees with John on the Sage Grouse. You'll find that whether it's an environmental group, Fish and Wildlife, BLM, local groups and its best not to have the Sage Grouse listed because once listed it's not in the best interest of the species. The reason is once it goes to Fish and Wildlife; you have two employees for the entire state of Colorado to take care of the species. This can be done through a local program where you have buy-in from your large landowners, government, federal and state. Division of Parks and Wildlife can do a better job of protecting this species in my opinion. That meeting will be tomorrow at @ 2:00 p.m. and encourage you to be here for that discussion.

John Hoffman thanked the Board for the invitation but had conflicting meetings with CDOT.

*Anita Sherman* from Glenwood Springs said she too would like to have Item h under the Consent Agenda taken out for further review. It would be in the constituent's best

interest to have the opportunity to actually see a contract that the County is looking to negotiate with the American Stewards of Liberty. Moving forward, the public needs more information and this firm is talking about local land use issues. They are a non-profit and it doesn't write policy but this Board does and be able to look at the connections we have with an organization directly associated with a membership organization that has special interests in these very sensitive areas. We, as taxpayers, have many reasons to be interested in all of the issues that have been raised in this session. Ultimately, Item h was requested to be removed for further discussion in an open session and know every detail as to the direction this Board would like to go with this organization. As taxpayers, we are helping to fund this and request to remove it from the Consent Agenda so the public can have opportunity to look at the contract and have an open forum to discuss it before moving forward.

Drew provided Ms. Sherman a copy of the agreement. It is our standard professional services agreement and the one document pertaining to this is Attachment A. It is short and can be read by anyone in a few minutes.

*Anita Sherman* appreciated the information but it should be information each of us within this County who has a stake in this process be part of the discussion as opposed to an issue closed and decided on under the Consent Agenda format.

Drew responded to Ms. Sherman for her comments and said as County Manager it's my responsibility to make sure every agenda item is intended for the agenda, makes it to the agenda and whatever supporting documents we have are available at the earliest opportunity. The Commissioners are seeing this at the exact time as the public. They have no more opportunity to read this document than you do. That is not ideal but the purpose for pulling an item from the consent agenda is to have them consider it as a regular item. At that time, Mr. Hoffman, you can raise your comments on the record.

The Commissioners, I believe, will pull this item for consideration separately.

*Lynn Burton* on Missouri Heights regarding Ms. Sherman's request for the contract said this sort of procedures happens with all town councils, all commissions and school boards all the time. A meeting happens, handouts are given to the Board members, and the public and press have no idea of what's being discussed. As a member of the press, he requested the Commissioner delay acting on this contract until the press and public have opportunity to see it.

*Mary Russell* also saw this item and nothing about it was on the website; therefore, she too requested the public be including and remove it for further review.

Carey commented echoing what the County Manager has already told you. This is the County's standard form of a purchase of services agreement; it is in amount not to exceed \$20,000. The unique component of this, as it regards American Stewards of Liberty, is the Attachment A the scope of services. Copies and/or reading it for the record was offered. It was read into the record and copies were distributed to those in the audience. It expires at the end of 2012.

Commissioner Jankovsky was willing to pull this item off the Consent Agenda and move it to the first business at 1:00 p.m.

Commissioner Jankovsky before the motion, I would like to say, this Board is being sensitive to its constituents and listening to speakers has always been our policy; if there's a concern we pull it off and listen to our constituents.

Commissioner Jankovsky - I will make a motion that we accept the Consent Agenda Items a - g and pull off Item h and have a further discussion on it at 1:00 p.m. as the first item on the agenda this afternoon.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

### **Library Board Appointments – Item 3g on the Consent Agenda**

Drew commented on Item 3g of the consent agenda pointing out the Board is making reappointments to the Garfield County Public Library District Board of Trustees and wanted to clarify all seven current appointees. Those are Michael Weirs, Dan Becker, Nella Barker, Bill Lamont, Benita Grove, Marilee Rippey and Lanny Crow. He thanked them for their services and the executive direction Amelia Shelly is present today to speak to this issue.

Amelia Shelly, Director of Library Services, addressed this item and asked the Board to re-commission the Library Board. We have had several member terms expire and need to be reappointed for second terms without coming back to the Board of Commissioners asking them to be re-commissioned. She is asking to reconfirm our Library Board to continue to operate. Carbondale Library is starting the process today.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

Commissioner Samson addressed those who came today that it is a perfect example of democracy in action and thanked them for coming, expressing concerns and said we'll see you at 1:00 p.m.

#### **4. County Manager Update: Andrew Gorgey**

##### **a. Human Services Commission: YouthZone - Debbie Wilde**

Debbie Wilde was not present.

##### **b. Board of Human Services: Mary Baydarian**

###### **i. EFT/EBT Disbursements**

Mary Baydarian submitted the EFT/EBT client and provider disbursement for the month of June 2012 in the amount total of \$953,086 and stated this is a short agenda today. She indicated there was no increase in the food assistance but it remains high due to 390 unemployed who have hit their limit for benefits, we're seeing a rise.

Commissioner Jankovsky commented it is reflected somewhat from what we received from Georgia and Trustee Bob Slade last week in the increase in foreclosures. This report is another way for us to keep apprised of what's going on in Human Services to track how our economy is going. We have yet to see a slow rise back in the economy.

Mary agreed and in some of the areas there's hope and some progress is being made in a few programs but overall that is correct.

## **ii. Program Updates**

### **Attachment DHS**

Mary briefly gave a program update taking note and giving special recognition to Fraud Investigator, Russell Stevens, who came to us from law enforcement. He is doing an exceptional job of our numbers. We get to keep a percentage in the county to put towards the expansion of this very important unit, both intentional program violations where people are paying back and those not paying. There are two cases now pending at the District Attorney's office. We are seeing the fruits of his efforts.

Commissioner Jankovsky said this is the administrative monitoring tool seen in her report and it's another thing that is positive for Human Services.

Drew stated Mary is characteristically understating her own effort in the fraud investigation area. In 2011, she helped organize a meeting of all the local law enforcement leaders to address this. The jurisdiction where fraud is done falls in a specific jurisdiction. In the municipalities, it would be a police department handling the case. If it were in an unincorporated area, it would be the sheriff. Russell has helped them get behind this effort as well as just some fundamental education with the district attorney, who is committed to prosecuting all crimes including these that are important to safeguard the dollars that help the people who most need it. However, it is Mary's leadership that this task was accomplished.

Commissioner Jankovsky - I will make a motion that we approve the EFT/EBT disbursements for June in the amount of \$953,086.81 and allow the chair to sign.

#### **MOTION**

Commissioner  
Tom Jankovsky

#### **SECONDER**

Commissioner  
Mike Samson

#### **VOTE**

UNA by roll call vote

## **c. Board of Health: Mary Meisner**

### **i. Farmer's Market Grant Supplemental Request**

#### **Attachment Farmers Market**

Mary Meisner, Director of Public Health, Paul Reasor and Morgan Hill of Environmental Health and Sabrina Williams Air Quality Specialist for CDOT reported. This is a supplemental request to the Farmer's Market contract that was approved in April this year. The supplemental request is for double the value of coupons for the WIC clients countywide and for baskets of fresh produce for all of the senior nutrition sites and the VA nursing home. This was omitted in the first request and we are coming back for a request for the supplemental.

Commissioner Jankovsky said we did approve \$14,000 originally and this would take it to \$24,000. However, not all the vouchers are used so it won't be a total of \$24,000; some are sent back to us unused.

Mary in answer to Commissioner Jankovsky's question responded to the supplemental request for the number of vendors at the Farmer's Market. This has done this in the past when the WIC client comes presents their voucher the coupon is doubled. This helps pay for their gas to get there and back and it makes it a stronger incentive for them to get to the Farmer's Market and redeem the coupons for the fresh produce. This is also for the Cooking Matters Program encouraging them to learn how to use the fresh produce and incorporate it into their diets.

Commissioner Jankovsky recognizes the need for healthy food for the citizens of this County as well as the senior citizens. This is a good program. This would be a \$10,000 supplement.

Drew stated this has been done and taken out of BOCC discretionary funds.

Commissioner Samson clarified the \$10,000; \$7500 would go to WIC and \$2500 to the seniors for food baskets.

Commissioners Jankovsky said besides providing to individuals access to quality food it also helps our local growers and Farmer's Markets opposed to buying foods all over the world. I do think \$24,000.00 is a lot of money but I support this. Vouchers redeemed are not going to be \$24,000.00 probably in the neighborhood of \$16,000. Some vouchers get lost and some are not turned in.

Mary indicated Christine would do a report and you can tell just where those dollars have gone and to what vendors. Money unspent would remain in your discretionary funds.

Commissioner Jankovsky - I'm going to make a motion that we supplement the Farmers Market Grant Program by \$10,000, \$7500 to the WIC program and \$2500 to the seniors and veterans home and take this money out of the Commissioners Discretionary Funds.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

**ii. Environmental Health Program Update**

[Attachment CASEO CDOT GCC July162012](#)

[Attachment Reduced Idling Project Update BOCC Memo](#)

Paul Reason and Morgan Hill submitted the report and Paul gave an update on the air quality improvement project they have been working on for about a year. Sabrina Williams from the Colorado Department of Transportation and well as Natalie Swelinck from the American Lung Association of Colorado gave an update on the CASEO project. Sabrina gave a Power Point on the Clean Air for Schools, Engines-off versus Idling. This program has been working in the Denver area since 2008 and was implemented this year in Garfield County.

Natalia Swelinck from Environmental Health is the counterpart for health and talking on those things; it was included in the power point presentation. Pollution in our community is normally thought of as coming from smoke stacks or oil and gas but actually, in Colorado, the motor vehicle is the largest category for air pollution. Idling for one minute produces as much carbon monoxide as three packs of cigarettes creating small sources

to a large impact. Everyone's idling minutes add up and it is wasting about 5% - 10% of their fuel every year. Figuring out a way to reduce idling from transportation by 10% would address many of our issues. In Colorado, idling is responsible for 80,000 lbs of air pollutions and 800,000 tons of greenhouse emissions every year. The parents waiting on their children at schools are a huge portion of the problem. There was a grant that supported this program. In the study, they saw at 3:00 p.m. a noticeable spike in air pollution at the schools from school buses and parents vehicles idling.

Natalia addressed the children's health concerns of air pollution reporting children's lungs continue to develop as they approach age 18 and when they are breathing in compromised air, it stunts lung development and has a long term affect in lung growth. Those children become adults with pre-disposed positions to infection in the lungs or a decreased lung capacity having an impact on their health. Consequently, they are more susceptible to asthma. To find a way to mitigate the air pollution around schools, a program called CASEO is premised upon community social marketing, an environmental psychology technique that goes beyond hanging signs and brochures. This goes into a community outreach process where you have the community get more buy-in to change behavior and it is cost effective. EnCana, American Lung Association and the Colorado Department of Transportation sponsored this program providing funding to Garfield County to implement in three local schools participating in this program. Those schools include St. Johns Elementary in RE-16, Kathryn Senor Elementary RE-2 and Glenwood Springs Elementary in RE-1. CLEER, the contractor had the lead in implementation. This is a 7-step plan and information was handed out in the Commissioners packets along with the future projects.

In answer to Commissioner Jankovsky questions about bank drive-up idling, she said 19 to 30 seconds is the key when you need to stop the engine.

Commissioner Samson to Deb Fiscus in Road and Bridge asked if there was a program to train drivers with idling and perhaps Paul could get with the drivers and do some training.

Visit the website @ [www.enginesoff.com](http://www.enginesoff.com) for additional information.

Drew commented there are approximately 350 vehicles in the entire County fleet and the bulk is in Road and Bridge and the Sheriff's office and he will add that to the issues as we analysis our fleet.

### **Air Quality Monitoring in Battlement Mesa**

Commissioner Jankovsky questioned Paul on the progress on the air quality monitoring in Battlement Mesa.

Paul referred to the CSU emissions study and has a final proposal from Dr. Collette in the process of working internally with the County Manager, the Communication Coordinator Renelle Lott and Kirby Wynn all to be coordinated before presenting this to the Board. Our goal is to present this next month.

#### **d. Public Meetings:**

##### **i. Middle Colorado River Watershed Partnership: Watershed assessment project update, request and next steps - Donna Gray** **Attachment Watershed**

Donna Gray presented the Middle Colorado River Watershed Partnership saying they received a grant for the US Environmental Protection Agency via the 319 Program to conduct an assessment of the Middle Colorado River Watershed. The Commissioners previously provided a letter of resource commitment offering a financial match to support the Watershed Assessment Project. Records indicate that Garfield County agreed to provide \$2800 of in-kind matching assistance and \$22,000 cash to support the development of the watershed assessment. A complete report on the Middle Colorado River Watershed project was submitted.

Donna gave the history of the project since Commissioner Jankovsky was not on the Board at the time this project began. Key players are Dennis Reich of CSU Extension/Colorado Water Institute, Chris Treese of the Colorado River District and John Lavey from the Sonoran Institute.

Commissioner Jankovsky - I will commit to the \$22,000 and then ask the County Manager to help if there is a need to help the staff with in-kind support to the Middle Colorado River Conservation Partnership and those funds be taken out of our discretionary grant funds.

Drew Gorgey stated for accounting purposes he suggested \$3,000 in-kind and \$22,000 cash, as it is easier to manage.

The Board concurred with this increase.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**ii. Marketing Carbondale with Garfield County - Andrea Stewart, Maura Masters, & Tom Kenyon**

**Attachment Carbondale Chamber**

Andrea Stewart, Executive Director of the Carbondale Chamber of Commerce, Maura Masters with M3 Marketing and contractor for the Tourism Council of Carbondale Public Relations and Thomas (Tom) Kenyon on the Board for the Tourism Council with Blue Tent Marketing and the TCC website development contractor were present.

Andrea gave some background prior to the request. The Tourism Council of Carbondale (TCC) is funding through the 2% lodging tax passed in 2003 and has established a great tourism marketing team as January 2004. In the fall of 2010, the Town of Carbondale gave the Tourism Council a \$10,000 grant to redesign the website, which is Carbondale.com and since that time, the website has averaged 23,000 hits a month and helped with the social media expansion. There are 487 likes on Facebook, which is exciting.

Maura said today the request of \$5,000 is to expand our efforts and partner with the county on a sound tourism marketing strategy for marketing initiatives designed to promote Garfield County and Carbondale. Details were provided on the current marketing strategies.



Tom gave details of the why we're here today based on what marketing things as the Tourism Council to spend the 2% tax wisely and effectively. Signage is the most important thing we can do at present. Signage along I-70 to indicate Carbondale and at the Hwy 133 and Hwy 82 to promote the town for arts, music, dining and other activities. This would mean signage at both ends of Carbondale.

Commissioner Samson inquired how much the 2% lodging tax yielded in a year so Andrea responded between \$40,000 and \$80,000.

Tom said specifically what we're seeking is money to develop a master plan for signage, a plan of a series of maps where the signs could be located, develop a communication plan and what the signs would say, direct people, develop the designs for the signs, the cost and timelines associated with the master plan. We would need to pay experts to do this plan. The \$5,000 request would assist in obtaining experts and members of the board continuing to use their own efforts to put together this master plan and some design for the signs. The unused amount of the funds would be applied toward production and installation of any signs. The budget this year is for \$44,000 and there is a 2-month delay from the lodging tax. We are seeing an upswing as a positive. Drew Gorgey had a question about the technical expertise on the signage program based on the marketing aspects and the underlying economic development goals. Talking signage with multiple municipalities, the county and state highways asked them to address how they would address the technical requirements in the beginning of a signage program.

Tom said we do not have those answers and not aware of the parties that need to be involved and how expansive it would be from all aspects of CDOT to Code and Land Use. Today we are asking for funding to put it out to groups like an engineering firm with experience in doing this and working with those parties like SGM.

Drew asked if the bids would be competitive bid and they said yes.

Tom said we planned to use local vendors.

Commissioner Jankovsky thinks this is a valid request and Trustee John Hoffman was asked to give more discussion. This is something he'd like to see the Town of Carbondale approach us on. It is an infrastructure and tourism questions. If you came before us as the Town Trustees John Hoffman and Stacey Bernot asking for more than \$5,000 as it's not enough but put together a master plan on signage for Carbondale might be a better approach to this. Garfield County is not in the marketing business and does not want to get into a situation where we're using out discretionary funds for marketing as it opens up an entire new and dangerous approach. The Downtown Business Authority of Glenwood approach about matching funds for parking in Glenwood Springs. This was not the intent of the county to be in this business. The Town could approach us on an infrastructure to get information on I-70 or Hwy 82 even on Hwy 133 you are getting into CDOT regulations. He asked them to go to the Town Council and approach them for this as signage in your town is a town issue.

Maura met with several in Carbondale such as the Carbondale Coalition, closely with the Town and it is in the works.

John Hoffman told a story of a steering committee over in Gunnison and Crested Butte last Friday and one of the members on the Board, Jane Shayne Gunnison Tourism representative. Because of the County's participation, they pulled all these towns together and put together a vacation plan that included all the different municipal entities



that had things to offer. That area was hopping with tourists and it is about as remote as you are going to find. The benefits from an outreach like this would benefit all the municipalities taking a unified approach pulling this altogether.

Commissioner Jankovsky said as a proposal from the Town of Carbondale and if all the communities were to come in front of us that would definitely get our ears.

Commissioner Samson has been involved with the Northwest Heritage and perhaps Carbondale would need to be involved as they are producing some brochures and signs for the communities on I-70. This might be a way to join forces.

Commissioner Samson said it's Nancy Cramer out of Silt.

Maura has been involved and they are looking for partners. Funding was an issue at the time when they came to us with the proposal.

Tom made a last comment saying Commissioner Jankovsky made some good points and in looking around the communities realized there was no unified sign system. The master plan we would like County support and have support in the other areas looking to do signage. This would be one plan and a guide on how to produce signs. In the Glenwood Magazine, there was a spread for Garfield County and showed a map about the various areas in the County for tourists. We will come back with a different approach as a unified town but to keep the door open that this could be something the County can take on to establish a sign standard for way finding off the highway to information centers throughout all the towns.

Commissioner Jankovsky reminded Tom that when you are on I-70 it is CDOT regulations and when you're doing this as local towns it is somewhat easier than a private business.

Drew said the Commissioners will hold their September 10 Board meeting at 9:00 a.m. in Carbondale, one of the four remote meetings.

### **iii. Colorado River Water Conservation District Quarterly Report - David Merritt Attachment River Update**

Dave Merritt gave the quarterly report and reminded the Commissioners of the River District Board Meeting at the Hotel Denver the next two days and getting a full swing into the 75th Anniversary. 75-years ago a number of significant legislation was passed in Colorado concerning water and how we protect and develop that resource. One item was the statute in 1937, as well as the Water Conservation Board, the state agency as well as the organic statute, which allows Water Conservancy Districts of which there is 48 or so to come into existence by vote of the people; it created the Colorado River Water Conservation. Water is a significant issue in Colorado as a statewide interest. Tomorrow is mostly an executive session dealing with issue out there, the Colorado Cooperative Agreement, a number of the towns and cities have signed on; we'll be the last entity to sign on. There is still a big issue surrounding Green Mountain Accounting and Operations that is between the participants of the West Slope and the State on how some issues are accounted for and we're pushing on that heavily to get it going. The Shoshone outage protocol was implemented this year, which aided in keeping the flows up. We have been having a significant dry year and we've had flows dip down a couple of times before ramping up and getting releases from the reservoirs up stream. In 2002, we dropped down during the early part but then we ramped it up again making releases

from the reservoirs to maintain the streamflow and we had a calling right. There is a demand in Grand Valley that needs to be met between the Colorado and the Roaring Fork. The reservoirs are in better condition than in 2002 and there's more in the system storage.

Ruedi Reservoir is working with reclamation and all of the communities to try to come up with a contract to purchase the remaining remarkable yield from Garfield County and other entities up and down from Aspen to Grand Valley with the Ute Water Conservancy District. At the current time, we are oversubscribed. As we go through the environmental permitting, we will see how it goes. We need to address the permanent supply for the West Slope.

**iv. Consideration of State Court Administrator's office Access to Fairness Survey on July 19 outside the front of the courthouse - Betsy Suerth**  
**Attachment Court Survey**

Betsy Suerth submitted the request of the courts asking for a survey on July 19 during regular business hours for an Access and Fairness Survey. That survey will be conducted and a copy of the survey was in the Board's packet.

Lynn Reed, District Administrator was present and had nothing to add to the packet as it explains what the courts are doing. The Supreme Court Chief Justice Bender is focused on fairness at this time and trying to find out how people feel about the court system and improving trial courts public perception, employees and staff.

Commissioner Jankovsky asked where the survey ends up.

Lynn said it goes back to the Court Administrator and then the results are tallied and stays on the Court's website. This is going on in every district.

Drew said as the effective landlord this is another example of just giving the go ahead with direction to staff.

Betsy stated we might receive some information from the survey results regarding improvements to the facility.

Commissioner Samson directed the staff to give access to the Access and Fairness Survey on July 19 from 8 am to 5 pm.

**v. Review and determine 2013 Holiday Calendar - Katherine Ross**  
**Attachment Holidays**

Drew stated there was a request to continue the review and determination of the 2013 Holiday Calendar to August 6, 2012.

**vi. To review and provide direction to Staff on the draft scope of services for Phase I (Energy Resources Inventory) of the Garfield County Energy Plan - Fred Jarman**  
**Attachment Scope of Work Energy Plan**

Fred was not present.

Commissioner Samson suggested skipping and going to the next agenda items.

**vii. Letter of Support for Ken Parsons to be reappointed to the Energy & Mineral Extraction Advisory Board - Mike Samson**

Commissioner Samson presented the letter of support for Ken Parsons.

Commissioner Jankovsky knows Ken Parsons and he is a great representative for the Northwest Colorado for Energy and Mineral Impact Board.

Commissioner Samson said as to term limits we were looking at this at AGNC to see if that specific seat had to be a County Commissioner seat. To date no answer. As the Chairman of AGNC to draft a letter and send it.

Drew stated this was left and the most recent version of the letter left it blank and Commissioner Samson suggested putting his name as the Pro-Tem Chairman of the Garfield County Board of Commissioners. He is still a County Commissioner.

Commissioner Jankovsky - I will make a motion that we send a letter of support for the reappointment of Ken Parsons, Rio Blanco County Commissioners to the Energy and Impact Board.

Commissioner Samson wanted to add that Ken has served on their faithfully and done a great job for Northwestern Colorado. This board deals with severance tax.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

**vi. To review and provide direction to Staff on the draft scope of services for Phase I (Energy Resources Inventory) of the Garfield County Energy Plan - Fred Jarman**

Fred Jarman was present and presented the draft for the scope of services for Phase I of the County's Energy Master Plan. He walked the Board through some of the notable portions of the scope of services and read into the record the background to create a Garfield County Energy Master Plan due to the vast amount of energy resources. The plan is envisioned to help the Board better understand the potential scope of future energy development in the County and as an aid in decision making to prepare for related impacts to the County's capital infrastructure, services, and health, safety and welfare of its citizens. The first step is to seek professional assistance from a qualified consulting firm in creating an Energy Resource Inventory. Previously the Board was presented a plan that Mesa County worked on. In Fred's opinion they did a good job and it is something we could use as a model to help us as a good reference point.

Commissioner Jankovsky reviewed the Mesa County model and thought it was an excellent model. The maps are good and it is something we could follow in Phase I. Fred said this was their first step and they did a robust process that helped to develop policy for the Board. A couple of points in the scope were addressed for feedback is to look at non-renewable energy resources such as biomass, solar, wind, hydro and geothermal resources and gravel in both private and public lands with the boundaries of the County and included would be the status. Secondly, it walks through what Mesa County plan did and that was to identify the constraints on the development of those

resources. In addition Fred pointed out the timeline would be completed in 6-months once the contract is signed.

Commissioner Jankovsky gave feedback to Fred saying this is a great draft for a scope of services, saw where gravel was in the renewable energy resources, and should be under non-renewables. He would like to see the funding from this come out of Energy Impact Funds as it is directly related and it would be a good use of those funds.

Commissioner Samson agreed it was a great scope of work and it is something that we've been toying with and the time has come to go forward.

Carey requested to ask a question; Fred and Carey have not had opportunity to discuss this draft scope. The only issue of caution would be in delving too closely into split estates. This is beyond the County's interest and to do the type of title work necessary to understand when, where and how various mineral estates have been split from the surface. Focus on public and private ownership on the surface matter is easier to understand and with the Assessor's responsibility in discovering and classifying land. This may not be beneficial to have the County establish the mineral ownership or any appearance of establishing mineral ownership.

Commissioner Jankovsky stated it would change the cost not to go into this. Title work is very expensive.

Fred said Mesa County did go into split estates and it was available to us with the mapping we're using for the Sage Grouse effort.

Commissioner Jankovsky stated Carey had a good recommendation.

Drew required direction on this issue.

Commissioner Jankovsky said this is great where we are trying to go.

Drew said the scope of services as seen in the Procurement Code, every services agreement is the starting point and appreciated the direction. From here, it will enter the procurement process depending on the amount of the award and professional competed.

Commissioner Samson said we would direct you to continue the scope of services for Phase I of the Garfield County Energy Master Plan as outlined with the one exception of item 2g.

In response to Commissioner Jankovsky question of the estimated cost from Mesa County, Fred said they committed \$28,000 in 2009 to their initial inventory but not certain if that amount grew as they did a similar thing in the phase approach. They followed through with a much boarder policy approach and costly.

Commissioner Jankovsky said initially they received the map in Phase I.

Drew said to the extent it is greater than \$25,000 it will be treated as a standard purchase and again following the code you have already moved towards adopting.

Commissioner Jankovsky said they would go out for RFP's and Drew replied whoever completed that survey and any other qualified person are made aware of the bid.

Drew asked the Board to reconsider Item from this morning agenda, the 7th Supplemental to the 2012 Approved Budget. The excel spreadsheet had hundreds of cells, that's one of the largest supplements you've ever seen and when they went back to the finance office to check the math, the sum function failed to capture about 3 cells and the total amount of supplemental expenditures is changed by that, we're not adding

anything just correcting the math. The corrected supplemental total, this morning you approved \$960,579.00 and the corrected Exhibit A will total \$1,041,446.00.

Commissioner Jankovsky - I make a motion that we reconsider item 2, the 7<sup>th</sup> Supplemental to the 2012 Budget that was on our agenda this morning.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky - I will make a motion, which will be amend the motion that we made this morning, which is to approve the Supplement No. 7 to the 2012 approved budget as presented to a different dollar amount; the revenues would remain the same and the increase in supplemental expenditures to that total of \$1,041,446.00.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

## **5. County Attorney Update: Carey Gagnon**

### **a. Discussion of head gate survey on County Road 309 and direction to staff - Jeff Nelson and Cassie Coleman** **Attachment Head gate Survey CR 309**

Carey Gagnon has one item this morning that does not involve the provision of legal advice as of yet, if you recall from your June 11th meeting in Parachute, Ms. Marion Wells attended to share some of her concerns and Chairman Martin took advantage of the opportunity to ask her about getting some work done on CR 309 this year. This agenda item, because it desires to get work done this year wanted to bring it forward before the summer gets too far along. This is an update on where we are at in regard to those repairs and the issues affecting that moving forward. Jeff Nelson and Cassie Coleman presented the information in the packet between the County and Ms. Wells and her attorney regarding the head gate that's on CR 309. Jeff discussed the needs of the County and asked for direction on how to proceed. Jeff said our original intention are still the same and what we'd like to do is survey the existing head gate to get vertical elevations to redesign properly the new head gate that we want to construct. The purpose of this new head gate is to protect the lower Road 320. As you know this past year one of the emergency project was to reconstruct CR 320 other than the huge runoff from last year part of the reason it was destroyed was because at this head gate debris build up thus pushing all the water down the irrigation ditches and that was not the intention. The creek is intended to handle the majority of that water during high runoff and it didn't happen. The original intentions are still the same and we'd like to get some data, design something and rebuilt it.

Commissioner Jankovsky asked Jeff if the head gate is our responsibility or the responsibility of the irrigation people.

Jeff said that is a good question, we've had this question multiple times on County roads and you're have to go to legal staff on that because we've heard different responses in my tenure here at the County.

Commissioner Jankovsky knows it's our responsibility to protect the roads as far as health, safety and welfare of our County, so that is a legal question on the head gate itself as to who's responsibility it is.

Jeff said we can discuss our side of it and the practicality is \$5,000 to \$10,000 towards construction and \$5,000 to \$10,000 to alleviate \$300,000 worth of construction is how he looked at it.

Drew has some history with this issue and the County engineering department informed him at one point that some or the majority of the debris is in some way the County's responsibility, some materials and things made their way there. Just removing the debris and how it may or may not impact the flow around the head gate is purely public and protection of the lower road is purely public. To the extent that any private company is asking the County to put public funds to a private head gate at best would be some agreement with the private head gate owner. In order to figure out who's responsibility is we first need to get on the property to survey it. Ms. Wells is present and she has always maintained at Parachute and said throughout you're right it's prescriptive and you don't have the right to come in but she's also said please tell me what you want to do and let's try and work this out. To the extent we're trying to make any progress here, we cannot really advance the project until we can get onto the land. We want to make sure Ms. Wells is satisfied.

Marion Wells stated she was not actually invited to this or informed, she's here to simple hear what was being said. She's always been open and willing to take to you but the only way she found out about it was watching the Commissioners Agenda so in terms of today, if you want to have a conservation fine but let me know so I can have my counsel here.

Drew preferred to have this item continued so we can do it to a date certain and just have everybody here again and if the issue again is getting information, then let's do this and not just say we'll schedule a meeting sometime. He asked this item be continued to date and time certain and suggested August 13 and if that's not convenient with Ms. Wells attorney Sherry Caloia then we can continue it to August 20 and have Ms. Caloia contact Carey Cagnon acting county attorney. Commissioner Samson summed up that this will want until we have the meeting and Commissioner Jankovsky agreed it was the only thing we could do at this time.

## **6. Executive Session**

- a. Upon the affirmative vote of two-thirds of the Commissioners, the Board will adjourn to executive session pursuant to C.R.S. §§ 24-6-402(4)(b) and (e) to confer with its attorney for the purpose of receiving legal advice and determining positions relative to matters that may be subject to negotiations and litigation positions and instructing negotiators regarding St. Paul Sober Living, LLC, et. al. v. BOCC, et. al., Federal District Court for the District of Colorado case number 11 CV 303.**
- b. Upon the affirmative vote of two-thirds of the Commissioners, the Board**



will adjourn to executive session pursuant to C.R.S. §§ 24-6-402(4)(b) and (e) to confer with its attorney for the purpose of determining positions relative to matters that may be subject to negotiations and litigation position and instructing negotiators regarding the Nabors Drilling tax appeal to the Board of Assessment Appeals and receipt of legal advice on specific legal questions regarding same.

Commissioner Samson summed up that this will want until we have the meeting and Commissioner Jankovsky agreed it was the only thing we could do at this time.

- c. Upon the affirmative vote of two-thirds of the Commissioners, the Board will adjourn to executive session pursuant to C.R.S. §§ 24-6-402(4)(b) and (e) to confer with its attorney for the purpose of determining positions relative to matters that may be subject to litigation and instructing staff regarding collection of money for expenditures resulting from a fuel spill at the Rifle Regional Airport.
- d. Upon the affirmative vote of two-thirds of the Commissioners, the Board will adjourn to executive session pursuant to C.R.S. §§ 24-6-402(4)(b) and (e) to confer with its attorney regarding possible litigation pertaining to a county road culvert and possible direction to staff regarding same

Carey stated there were four (4) items for Executive Session, those being the items as listed. 1) St. Paul Sober Living, LLC pending in Federal District Court; 2) Concerns the Nabors Drilling Tax appeal; 3) Involves a fuel spill at the Rifle Regional Airport and 4) Possible litigation pertaining to a County road culvert.

Commissioner Jankovsky - With that being said, I will make a motion that we move into Executive Session for the items discussed items a, b, c and d on our agenda.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

Commissioner Jankovsky - I will make a motion that we come out of Executive Session.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

Commissioner Samson stated that none of the four (4) items needs any public action.

### **LUNCH - Noon**

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

**h. Consideration and approval of professional services contract with American Stewards of Liberty.**

Commissioner Samson noted this item was pulled from the Consent Agenda and was continued until the 1:00 p.m. agenda to discuss it further since individuals had opportunity to look at the materials.

Anita Sherman from Glenwood Springs and thanked the Board for pulling this item off the consent agenda and putting it on the regular agenda list today. She opened with a statement profound to all hearts in Latin meaning "out of many one". This is the calling hallmark and staple of our democracy. It does not say another Latin phrase translated roughly to "The wealth and power come one." She started by talking about why this item was asked to be pulled today. She feels strongly that this particular item has not had full discussion with the public and should be an open discussion. After doing some research she found American Stewards of Liberty is an organization that is a non-profit that primarily works as a private property right organization and fundamentally causing concerns in two ways which she explained in detail one being the removal of the listing of a three-inch lizard known as the Dunes Sagebrush Lizard (DSL) as endangered. The other concern was the use of county funds in helping develop policy using county funds then basically, taking one side over another. Property right owners who feel this works within their scope should be the ones paying for this and not county taxpayers. Further research shows this is funding by an organization called the American Legislative Exchange Council also know as ALEC and organization whose membership is comprised of many large corporations including Global Corporations and part of their mission is to support its membership, which means their membership may have interest in certain lands, certain states to continue to do business. Our particular county has a lot of interest to many individuals both public and private. The Supreme Court has stated on many occasions that corporations are people too so when talking about democracy and engage these organization that come to the very basic fundamental aspects of what makes us a democracy and can dictate the terms of policy which supersedes the voice of many under a certain agenda and would like to have more discussion. She requested tabling this item for four weeks from today so that the public has opportunity to learn more about this organization the county wants to contract with and have the community afforded the opportunity to connect as a community and the media an opportunity to engage the community in this discussion. Tomorrow a work session is scheduled with the Bureau of Land Management and asked for an open discussion with the public involvement. The question she put forward is do we individuals have a voice and a vote when we engage these corporations to dictate the terms of policy because a few individuals feel it is their right to own and compromise. She further quoted the provision in the contract and referenced "selected" referenced how and why where they selected and what capacity are they specifically serving us within the scope.

Mark Stevens voiced his feeling that there is probably some very diverse opinions in this room about how to manage our public lands.

Commissioner Jankovsky responded we would probably not come to an agreement.

Mark Stevens went on with his primary concern being putting some daylight on this issue and this caught individuals by surprise and in looking at it there are many things we do not know or understand. On the surface, he's concerned venturing into this contract to represent Garfield County in the event tomorrow with BLM.



Commissioner Jankovsky clarified interest will be represented by the Board of County Commissioners and staff in the meeting with BLM. The American Stewards are here to help us with the FMLPA process, Federal Mineral Land Practices Act and the coordination process so we can work with the BLM through the coordination process and have our local plan on Sage Grouse included into the EIS being established for the management of Sage Grouse. Another way to go about this is to be a cooperating agency but as that it is a different process to go through and now we've been involved in both but we feel the coordinating process would give opportunity to our local plan included into the EIS and the burden on BLM to tell us why our local plan is not effective or is not effective.

Mark Stevens takes the word of the Commission as to these goals but questioned how appropriate it is for this particular organization to be helping with these goals. Is the American Stewards of Liberty a non-political organization and providing expert advice? Commissioner Jankovsky answered his understanding is they do not set policy and have worked on issues that consider both sides of the table and usually have helped the local community in dealing with federal issues. When they do that the local community has to have their own plan, which we do and it is a Sage Grouse Conservation Management Plan called the PPR Conservation of Land that stands for Parachute Piceance Roan Conservation Plan. The lands that we have that are Sage Grouse habitat are very different from lands in Wyoming, North and South Dakota, Nevada and there's merit to talking about local plans and how by using a local plan, local expertise, local management both from the State of Colorado and also management from large property owners is in the best interest of the Sage Grouse.

Mark S. again wondered how American Stewards of Liberty fit into this picture and the County would seek people who do not have a political ax to grind. The header on the website is "acre by acre county by county working locally to save our nation" and asked what are they saving our nation from it is from people with different points of view about how to manage our public lands.

Commissioner Jankovsky said they are looking at this a better understanding of the local standpoint how to use public lands as opposed to someone in Washington DC telling how to use public lands. Everyone here has an opinion about what's the best use of public lands.

Mark S. continued who is the best to predict wild lands and whether it makes sense to have it large lands with eco systems parceled with a bunch of local groups or whether there could be some national organization that managing.

Commissioner Jankovsky said this is probably where you and I would have differences. This firm is here to represent the local government no matter what the policy may be.

Mark S went on more about what's on the website.

Bob Mellette from Glenwood Springs and wanted to support what Anita and Mark have said and not be redundant. He voiced his objection to the Board of County Commissioners entering into this potential agreement with American Stewards of Liberty without full public disclosure and discussion. One of their main goals is to create bills for taking back to constituents for approval and push for approval in Congress mostly benefiting those without disclosing to the public. They have eight task forces one being energy environment and agriculture with a mission called free market environmentalism. The basic point to this Board of County Commissioners is having no

business joining with this lobbying group and accused the Board of siding with industry groups versus citizen needs as well as wasting taxpayer money. He urged the Board to decline entering into an agreement with this organization.

Steve Bershenyi said he has a different point of view whether it's the American Stewards of Liberty or if it were the Liberal Stewards of Hodgepodge, his objection is to enter into the legislative process including the very process this group purports to come and teach you how to do which is already available if you did your homework. He voiced his disappointment to see Commissioner Samson turn his back on this community with a group that has no real ties here with a narrow objective. Is this the kind of precedent the Board wants to set for the governance of this county going forward into the future?

Will Perry a Garfield County resident handed out his written thoughts. His concerns were a contract with this group without discussion as the group has a political agenda.

John Hoffman from Carbondale voiced his impression we create and asked the Board to rethink the group they are forming an alliance with and the reasons leaving an impression in the citizen's minds that this alliance would create. Stewardship is a touchy subject with animals, science and a broad prospective and applauded the management of Sage Grouse perhaps more stringent regulations than BLM would make.

Mary Russell from Glenwood Springs with a question on what the Commissioner's position on the Colorado Greater Sage Grouse Conservation Plan that is being enacted by the state.

Mary Russell of Glenwood Springs voiced her concern and asked the position of the Commissioners on the Colorado Greater Sage Grouse Conservation Plan that is being enacted by the state saying there are five different working groups in Colorado, one being the PPR referenced today to bring to the BLM. She asked for clarification on what this Board wants and need help for the EIS.

Commissioner Jankovsky said the local plan and in the local plan includes Garfield and Rio Blanco Counties and Moffatt County has their own local working plan. A huge portion of Moffatt County is incorporated within the Sage Grouse area and in Jackson County in central Colorado has a large portion of their lands that are Sage Grouse habitat either priority or general habitat and have their own working plans. All the local plans combined to work with the State of Colorado Sage Grouse plan. What we're asking for is right now we would like to have our plan included and looked at as there are things dynamic to Garfield County as far as habitat, land and geological structures as far as use of the lands, grazing, oil and gas, lands with wilderness characteristics unique to Garfield County and to Rio Blanco County. We're asking that instead of having one we want to have our plan looked at, recognized and part of the BLM EIS. This is the PPR plan of 2008 and finally at the end of the day what we want to do as County Commissioners is do what is best for the Sage Grouse and then for our constituents and includes Sage Grouse habitat and all the economic things that go along with that. It is to look out for the best interest of the County. Right now when looking at Sage Grouse, we also look at the Spotted Owl and what happened to the North West Portion of our Nation as far as the timber industry and it completely shut down in the northwest part of the country for timber, shut down communities and then in the end after it was listed the biggest danger to the Spotted Owl is the Bar Owl pushing this Spotted Owl out of its habitat. Now they are looking at controlling the Bar Owl eliminating it in certain places. Our interest is what is best for the Sage Grouse and

obviously as you've heard today some people think it's federal regulations sweeping through and not 9 states for one size fits all but we think our local plan has merit and want to have the BLM at least listen.

Mary Russell said as John pointed out is that the local plan on the Roan and the Piceance Basin looking at today and the results of working within this plan and in her perspective it's not working well. There is much destruction going on in this environment and it is a result of increased use of this area for industry to work within the plan in place. Reading the PPR plan and it still doesn't put the priority on the natural systems. Humans adapt and the shortsighted measure to get out what we can get out from the natural resources with no foresight in 100 years. She read the statewide plan and question why it is not diligent to work statewide. Eco systems in this area including Routt, Jackson, Rio Blanco and Garfield County including Delta, Mesa and Gunnison Counties are in similar geologic formations including soils, vegetation and worked with the Colorado School of Mines on this and it's not that different and wonders why we can't work in the state's perspective.

Commissioner Jankovsky clarified our plan is part of the state's plan and we are working with the state.

Mary Russell questioned why not leave it there versus getting an outside entity as described by Anita and Sierra Club not good enough.

Commissioner Jankovsky justified as we are going through this process hopefully tomorrow with the BLM in a two-hour open to the public meeting and will be the first time the Sage Grouse information is discussed in public. All those present today are welcome to come, listen and judge for themselves and the reason for this is the BLM is top down and probably some of the issues here today is what is best for our area, federal government control versus local control. It is a difference in lot of people's philosophies. BLM has not been receptive to our local plans, not including it in the EIS and it is one way we feel we can have our voice heard, and get the local plan into the EIS placing the burden on the BLM's shoulders to tell us why our plan is not good for our county. That is the direction we are headed.

The American Stewards of Liberty will help us with the coordination with the process of FMLPA. They will help us through that process with the BLM.

Mary asked if there was no other local source.

Commissioner Jankovsky said there's no local source, none in the state of Colorado at this time and that's why it's a sole source contract as there's no other source in the United States. He reiterated how he learned about them when going to a training session in Montrose in 2011 put on by CCI. We have our plan and it was a Moffatt County Commissioner who suggested we contact this entity. John Stroud is here and tomorrow he can talk more to BLM. Today's approval is about contracting with them and hiring them until December 31, 2012. We hope we can meeting monthly with BLM and continue the coordination process.

Mary expressed a contract with this entity is ill founded and doesn't want her tax money spent in this way.

Gary Zabel from Glenwood Springs and repeated something Commissioner Jankovsky said in entering into this relationship to look out for the best interest of Garfield County. In looking at the Board of Directors of ALEC consisting of lobbyist from Exxon, Peabody Energy and the Coke Industry, ALEC's interest in avoiding any regulation of house

gases and their energy tax force is chaired by green house gases and ALEC energy environmental task force is currently chaired by the energy association which is an organization that promotes natural gas fracing and on and on. Looking at the list of lobbyist and directors, he doesn't think they are out for Garfield County's best interest. He urged the board to deny the contract.

Andy Tillman from Glenwood Springs had a couple of questions one is if this board hires a pro-corporate consulting group and should hire a pro-environmental consulting group to get different perspectives. As far as what Anita voiced about the Bible, he reminded the board of the Constitution of Separate of Church and State and hiring a consulting group using the Bible as their main influence in doing things it is a conflict. He has a hard time believing this is the only consulting group.

Bradley Smith in Garfield County was brief in stating his concern is way bigger than what is going on with the current BLM action and oil shale etc and that's the fact that my County Commissioners are entering into a professional services contract with an organization that has corporate backing and funding relating this to a presidential candidate raising \$2 million dollars in Aspen. His concern was not being told what to do in this County by corporations out for their own interest and mixing quotes from the Bible with corporation bother me as a Christian not liking a corporate funding organization to show the Commissioners how to beat the federal government to further their own corporate funding agenda.

Carey can answer questions about the terms of the agreement but beyond that, it's the purpose of my role.

## **Discussion**

Commissioner Jankovsky made comments saying in the room there have been many different issues going on and he is hearing property rights, voter financing laws, religion, concern for the Endangered Species Act, climate change and had to agree 100% with Stephen Bershenyi about local jurisdiction and using our local plans as being very important. There's a lot in here and apparently one of their backers or funders in the ALEC group who will be here tomorrow will not be setting policy and the Commissioners will be talking policy and it's not open for public discussion but people can be here to listen and tell us if they are setting policy. That is not the case. It is about Sage Grouse, about how they are regulated and protected on our local lands in this County. In addition, how that works in for the health, safety and welfare of our County. We'll use this group to go through the coordination process, it's a new one that's been used around the United States but it is different from being a cooperating agency. When you are a cooperating agency, you set with BLM and try to help write the EIS but BLM has the final word. By going through this coordinating process, we can have our plan included and looked at by the BLM to be included in the EIS. That's where I see us going with this. I hear everyone's concerns but I think it is about some of these things but it's not about religion, Campaign Finance Law, climate change and yes, it is about our local plan and how we do things. The speakers brought up all these things and I think they are concerns that people have within our County but it's not what we're trying to go tomorrow. We're trying to talk about Sage Grouse, our local plan and we'll hear some things about why science is behind our plan and BLM's MT report and some of

the flaws in both and we'll have a good discussion. I hear your concerns but it's not the case.

Commissioner Samson said we do our best to represent the people of Garfield County so with that in mind we will call for the question.

Commissioner Jankovsky – First, I would like to make a motion that we accept the contract for professional services with the American Stewards of Liberty and will make comment after.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

## **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

### **2. Public Hearings:**

- a. Consider a request for a Special Use Permit Amendment for "Extraction, Storage, Processing and Material Handling of a Natural Resource" for the North Bank Gravel Pit. The amendment seeks to extend the timeframes for each of the remaining phases as well as to extend the approved eight-year permit timeframe to fourteen years - completion was originally anticipated in 2016. The site is located east of the City of Rifle, north of the Colorado River, south of Highway 6. Applicant is LaFarge West, Inc. for North Bank Holdings, LLC - Kathy Eastley**

[Attachment North Bank staff report exhibits](#)

[Attachment North Bank application](#)

The North Bank Gravel Pit application was presented by Kathy Eastley and for LaFarge was Bill Arrasmith, Carolyn Motor and Dan Knox with Carolyn answering questions directed from Carey on publication. Carey determined all was in order and advised the Board they were entitled to continue the hearing.

Pro-tem Chairman Samson swore in the speakers.

Kathy submitted Exhibits A – I and were admitted into the record by Pro-Tem Chairman Samson.

Kathy presented the staff report and presented a Power Point explaining the request of an extension of phases and years to accomplish the activities of the gravel pit. The permit was approved in 2008 and the SUP issued shortly afterward. The Board reviewed the report in 2011. This is just a report turned into the Building and Planning Department. The Planning Commission held a public hearing and unanimously approved to extend the time found in Resolution 2008-73, submitted their recommendations to the Board.

Carolyn Motor mentioned LaFarge would like to be completed by 2016 but it is not going to happen. Bill Arrasmith can answer questions as to the economic conditions or the market, Bill can answer. Statistically, we having been moving this amount of material and we need till 2022 to maximize the resources.

Commissioner Samson said the economy speaks for itself.

Commissioner Jankovsky asked Bill if he was comfortable with the phasing plan. Bill stated in the Planning Commission hearing that it's strictly economics and would like to think in 2008 with the permit to start it was based on the economy at that time. Our decision today is based on today's economy. We're comfortable with this request. We don't know what else to request other than using the economics of today. Kathy added should the economic conditions change and more gravel is necessary compliance with the sequencing of the project would still be required but it doesn't mean they cannot move into the next phase for two years, they can mine out the project at a faster rate but not at a slower rate. They must maintain the minimum timeframes in this request.

Commissioner Jankovsky moved to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky - I will make a motion that we approve the Special Use Permit Amendment for "Extraction, Storage, Processing and Material Handling of a Natural Resource" for the North Bank Gravel Pit and move that we approve that with conditions No. 1 through 22 and findings 1 through 5 and allow the Chair to sign. Commissioner Jankovsky said the economy speaks for itself and we've had numerous applications in front of us due to the changes in the economy and people asking for extension and this is more that appropriate.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**b. To consider a request for a Preliminary Plan application for the Homesteads on Miller Lane Subdivision on a 36.465 acre site located off of County Road 227 (File No. SPPA 6857). The Applicant is JimBob Ventures II, LLC - Molly Orkild-Larson.**

[Attachment Homestead on Miller Lane Staff Report and Exhibits](#)  
[Attachment Homestead on Miller Lane application](#)

Lee Leavenworth for JimBob Ventures II, Jack Pretti, Jim Cagle, Derrick Walters for the applicant and Molly Orkild-Larson the staff person were present.

Commissioner Samson swore in the speakers.

Carey did the notification details with Jack Pretti. She advised the Board everything was in order and advised they could continue.

Molly submitted Exhibits A - W and explained that Exhibit W was just handed out. Molly gave her Power Point Presentation, submitted the staff report and explained fully the request for a Preliminary Plan for approximately 36 acres known as Homestead on Miller Lane, CR 227 in the rural zoning district for 8 residential lots ranging in size from 2.8 acres to 16.9 acres. Lot 8 is the largest. 53% of the subdivision is open space. This

went before the Planning Commission with the main topics of discussion being four items: whether the open space meets the definition under our code, perimeter fencing of the lots, uranium in the ground water and concerns and impacts to adjacent properties. The Planning Commission did approve this with Conditions 1- 20. Staff recommendation is to approve with the conditions.

Preliminary Plan - Lee Leavenworth attorney for the applicant, JimBob Ventures II LLC sole member Jim Cagle, Jack Pretti Consultant to the applicant, Derrick Walters Professional Engineer for the applicant presented. Lee gave a brief explanation of the issues to be discussed. 1) Open space issue - the plan as proposed in Exhibit W, to keep lots 2 and 3 the size for marketing they think is necessary proposed moving the building envelopes as shown on the first page of Exhibit W. It moves them both down towards the cul-de-sac, which opens up the north side of that consistent with the building director's thought but want to keep the land with those lots for marketing reasons. They believe the restriction development outside the building development to the driveway, perimeter fencing a cross fence on lot 8 and the underground ISDS and underground utilities in the well only thing permitted outside the building envelope. This is will accomplish the protection of agriculture plans within the definition of open space, meet the applicant's desires for the size of the lots and at the same time meet the open space requirement of protection of agriculture lands with the building envelope restriction. Perimeter fencing was discussed but as noted by staff pursuant to the code is not an issue. These lots have to have perimeter fencing. The uranium issue resolution was accepted by the applicant, which is a requirement that there be an Reverse Osmosis (RO) system under the sink and a plat note. The big issue to discuss is the concerns of the property owner to the east. We did look at flipping the cul-de-sac road to the north and Eric expressed the conclusion. Eric stated the proposal Mr. Wilson suggested including taking the access road and flipping it on an access somewhere so the entrance was moved. This was an original consideration in laying out this subdivision and as we did, it ran into conflicts that prevented doing it. The primary one was to do with the number of access and spaces of accesses on this road. Antonelli Lane and another driveway, we would have one and Mr. Wilson has two entrances into this property. In looking at this, ran into the existing wells. In order to make these lots usable and marketable is to create a squared off parcels, lots easily used for agricultural irrigation where you can set up the systems it will irrigate an area instead of sporadic meandering yard like situation. This can be used for future 4-H projects and makes it something other than a typical subdivision but actually has a rural feel and usability. Meeting with Wyatt Keesberry from Road and Bridge prior to this and talked about the accesses and during that discussion it was the impression that Wyatt wanted to congratulate the number of access points in order to avoid having accesses spread all down the road but to have ours close to an intersection as possible. Mr. Wilson, directly across the street has a driveway but not his primary driveway. Therefore, the current layout in Exhibit W was formalized.

Lee showed photos in Exhibit W for the Board to see showing the right lane going in and a right lane going out. The property owner's house in question is located just north and gives a good location of his main driveway (access) into the property. The access Jim is talking about does allow access into his property but it's not the primary access

with no parking area and only a grassy area. Lee described the Exhibit W fully pointing out the various color coded areas.

The proposal to Mr. Wilson was they provide funding for them to extend their fence up to a dollar limit for an appropriate offer and/or landscaping for the same purpose.

Alternative options were to crown the road being 3 feet higher than the road and on the construction plans; it would be about 50 feet from the road creating a fan for a right turn lane to take the car as shown on the photo. It takes the headlights off the property and off the house. Headlights are an issue when it is dark and during the summer, there wouldn't be a heavy volume of traffic leaving the project after 9:30 p.m. or 4:00 to 5:00 a.m. when it begins to get light. In the winter it does get dark sooner and some vehicle trips will occur during the evening hours and offered to accept as a condition of approval that we create a downward grade to keep the lights pointed downward and put in a fan that allows the cars to start turning right well before getting to the road.

Water allowed for livestock was meant for 4 horses or 6 small animals like sheep or some combination to maintain the ratio of one large to one small. The conditions of approval from the Planning Commission are acceptable. Looking at those Lee proposed a couple of minor changes. Item J, which is proposed to be deleted, would like to leave in there and the need is for any proposal for Lot 8 because it does have a defined building envelope the applicant wants to preserve. Also the proposal submitted by the applicant moving the building envelopes on 2 and 3 moved down and the cul-de-sac would need plat note J for that purpose. Add to the list of items outside the building envelope perimeter fencing as it is allowed by the Code. One comment on Condition 17 is fine and probably dealt with at the driveway permit stage requiring an access permit from the County. Looking at Condition 19 appearing in the modifying conditions, the applicant is confused. "The applicant will add site improvements, easements of record and a maintenance program." Exhibit W once again shows the northern lot split off and the southern lot as the subject of the application. On the southern lot as shown is the stockpile location occurring when the topsoil is removed to build the road and the drainage areas. These are the only areas disturbed during the public improvements for this project. There is a revegetation plan and the County gets a landscaping bond security to make sure vegetation takes. There's no common area to be maintained by the lot owner rather add the provision in the Covenants to say each lot owner will maintain the native vegetation up to the gravel surface. The purpose of the Homeowners Association is to have architectural control, provision for maintenance of the cul-de-sac road and only lots 1 - 7 bear the cost. Lot 8 doesn't use it and the division and maintenance of the raw water system. The landscaping will be by the lot owners. The applicant will revegetate the stockpile location and revegetate along the road when the public improvements are installed. Instead of making changes to the Preliminary Plan prior to signing the Resolution the applicant proposed the language say as part of the Final Plat submittal to make all the changes. It's an expense today that can be done when the Final Plat application is submitted next spring. The applicant wishes to defer as many costs as possible until Final Plat. Willing to accept conditions not included would be "the final plat would be the relocation of the building envelopes on lots 2 and 3 to be consistent with the first page of Exhibit W and the second condition which would replace the original condition no. 21 be that we provide for a down gradient for the road as it approaches Miller Lane and include an asphalt turning fan to allow the headlights



to turn away from the Wilson property and point to the south. Keep j in the plat notes, move the building envelopes to center them closer to the cul-de-sac as shown in Exhibit W and the condition draw gradient coming down towards Miller Lane and the turning fan to allow the headlights to start turning away from the Wilson property.

Commissioner Jankovsky referring to the open space would be agriculture use.

Condition 18 language would be where it would say the applicant as part of the final plat will bring those building envelopes to the south and more adjacent to the cul-de-sac road as shown on Exhibit W.

Molly asked the applicant some questions in response to the landscape plan as per the code listed is what needs to be seen on the plan if not applicable then a note would address that and Lee agreed. Possibly the CC&R's would address maintaining the ditch but no building within that as it is often a problem. Lee referenced the change in the covenants would address her concerns. The reason for not leaving it to the final plat maps in the landscape plan for cost reasons but at the same time it is for recording what has been approved and like to see the revisions done and attach it to the Resolution if approved.

Lee understands but would like some relief to save some money. If it's a condition of approval, it can be crosschecked when we file the final plat, but if the county wants this, we will do it.

Molly questioned Mr. Walters in reference to access points along with driveways and asked those to be identified as existing along Miller Lane looking at the site plan provided. Exhibit W only shows two accesses that are close together.

Derrick Walters confirmed the two are close together and explained on the screen and clarified.

Molly quoted code in Section 7-307 3(4) intersections stating no more than 2 streets shall intersect at one point with a minimum of 200 feet between the intersections.

Derrick explained the purpose of the access location per the code restrictions to make the lots marketable and accomplish the agricultural purposes.

Fred shared his thinking in meeting with the Planning Commission referring to a slide in Molly's presentation.

Lee addressed the livestock scenario saying the lot owners have a restriction of 500 sq feet containment area to eliminate the possibility of a dust bowl.

Jack Pretti clarified the 7500 sq feet for dry lot containment and the rest of the property outside the building envelope would be required for an agricultural CC&R's. The pasture must be maintained as green pasture and cannot be grubbed down to the dirt. The dry lot containment area is to bring animals off the pasture so they are not out there 24/7 timeframe and give the grass opportunity to continue to grow and requires farm management.

Lee said the applicant would accept a condition that says "the lot owner will maintain the right of way be a natural vegetative manner without modification up to the gravel surface and install a culvert for the driveway crossing and no further obstructions" and it could be added to Condition 19.

Public comments

Jim Wilson lives at 382 Miller Lane and as a professional homeowner and citizen of Garfield County has concerns about the entrance into the proposed subdivision as the headlights and traffic would interfere with his home life and devalue his property

referencing Exhibit V as an email sent to the Commissioners. He explained his concerns indepth and requested the site plan be flipped.

The driveway in front of his house would definitely be an impact and have an adverse affect quoting sections of the code. He noted the Comp Plan being shifted to a reference and during the discussion among the Planning Commissioner members the statement was made that by definition this particular property and plan of this subdivision does not conform with the Comp Plan but since it is only advisory, it is not an issue.

Commissioner Jankovsky referenced Exhibit U from Mr. Pretti to Molly stating that he met with you and made an offer to resolve issues with the Wilson's concerns, one was the change in the elevation of the access and to continue the privacy fence to the south to block out the potential glare.

Jim Wilson stated if the developer does the curve all it does it make the headlights go up and down. Turing to the right will help but turning to the left the headlights will come into his windows so it is not going to address the glare. He considered the fence but it would not take away the noise of the traffic, vibration, dust and the devaluation of his property.

The applicant, Lee, addressed the concerns made by Jim Wilson saying the project is consistent with the County zoning, Comp Plan and the planning director said it was a good project. The car lights would only impact Mr. Wilson turning left and that is just a few people doing that out of this project as they would be going to Hwy 6 & 24. The headlight glare will not hit the house turning right, an offer was made to extend the fence and offered landscaping as a visual block and a sound barrier as a fence does and then to cast the lights down well before getting to Miller Lane and provide the turn. The glare is a nighttime concern and in the summer, there will not be many people coming from the project at 9:30 p.m. The project site plan was looked at flipping it even before we looked at this current plan and Derrick has explained why we don't want to do that, it affects the lots, changes the lot configuration into 4 pie shape lots not good for the purpose of achieving the goals of the subdivision. Traffic is going to happen anyway but being consistent with the Comp Plan and our lot sizes are larger than Mr. Wilsons and all within the County's regulations and asked for the approval of the preliminary plan with the conditions as stated by our proposals.

Commissioner Jankovsky asked if the cul-de-sac would be paved or gravel.

Lee responded it would be gravel and meet the County road standards.

Commissioner Samson to Lee said several times a willingness to do the fence or the downgrades so the question is would you be willing to do both, put up the fence and do the downgrade.

Lee doesn't want his client to do this rather provide funds and yes they would do both.

Jim Wilson did confirm this plan was better compared to the 37 lots originally planned for this property. It's more compatible. As far as talking about looking into flipping, the cul-de-sac yes there are still issues but if you take the whole site plan and just flip it over moving the driveway further to the north and the wells on separate lots. In his opinion, it would be a simple thing to do.

Terry Murphy at 854 Antlers Lane had concerns of the irrigation, as it is very dusty and windy in this area. She also had concerns of another subdivision of 8 lots as Sun Meadows is not yet built out and not selling land at this time.

Carey pointed out from a legal perspective that Mr. Wilson's specifics to the Code are not appropriate, as this is not a PUD application.

Commissioner Jankovsky - I would move to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky - I will make a motion but first of all to state Mr. Wilson I understand some of the things you are talking about as Commissioner Jankovsky said he owns a house on a Y and I have cars all the time and understand some of the things you are talking about and it doesn't affect my family as far as lights, etc. I do think this is a better subdivision, there are issues with the driveway, and it comes up to Mr. Wilson's property in front of his house; however not agreeing with Mr. Wilson that this subdivision will decrease the value of his property and will probably maintain or increase the value. It is a better use of this land versus a vacant lot.

Commissioner Samson stated Carey wants to clarify the motion for the applicant. Carey said, the point of clarification concerns the timing of when the Preliminary Plan maps additional requests at Preliminary Plan and the original language that went to the Planning Commission and was approved was "prior to approval of the Preliminary Plan this is now your approval of the Preliminary Plan and staff had requested this be changed prior to signing of the Resolution, the purpose would then be between the approval today and the Resolution memorializing your decision. These changes would be made and the applicant's request that these changes don't be made prior to final plat and so this would remain a condition of approval with the Preliminary Plan maps updated prior to final plat. Those were the three options on the table and that is the question for clarification.

Commissioner Jankovsky does want clarification prior to final plat on there so it will stay in the motion.

Carey walked through the motion for clarification. So if you turn to page 19 of the staff report as I understood the motion you moved to approve with conditions of approval 1, 2, 3, 4 5 a - c all on the first page unaltered. Page 20 5 d, e, f, g and h and i remain unaltered and accept redlining as 5j, include as k the language previously stricken except that the third sentence would read however a lot owner may construct a water well, driveway, underground utilities, perimeter fencing and an individual sewage disposal system outside the building envelope. As you turn the page we would accept condition of approval No. 6 with the redlining as included in the staff report and including a and b and stricken as stated. No 7 would remain unchanged, No. 8 would include the redlining, No. 9 would also include the redlining; Nos. 10, 11, 12 and 13 would remain unchanged. No. 14 would include the redlining, 15, 16 and 17 would remain unchanged, 18 rather than what's included on page 22 would be replaced by the language included on page 23, the staff recommended condition of approval No. 18 with the exception that is should state prior to approval of the Final Plat the applicant shall make the following revisions to sheets V2 and C2; No. 19 would say as appears on the page 23 landscape

plan there would be no change and accepting that one as forwarded by the Planning Commission. Commissioner Jankovsky, no I want to waive the landscape plan. Carey said a waiver would be an omission of this condition of approval. No. 20 would remain as stated in the staff report with no changes; No. 21 would be omitted as a condition of approval so you would be accepting the staff recommendation on page 24.

Commissioner Jankovsky wants Condition No. 21 changed to "the Exhibit U which has page 1 of Exhibit U which has two proposals and I want both of those proposals No. 1 and No. 2 to be included in the No. 21. Carey clarified proposing a new Condition No. 21, which states, "The applicant shall provide a cash contribution." Commissioner Jankovsky said I would start out No. 1 there is a foot to foot one-half between the existing elevation of the Homesteads Land and the current elevation of Miller Lane and it would end with the cash contribution was capped at an estimated contractor's cost of not to exceed \$1500. Carey said the language you highlighted would be included as Condition of approval No. 21. Then a final additional condition of approval that does not appear in the staff report regarding ditch maintenance and that would be the language that Mr. Leavenworth stated twice on the record regarding the maintenance...Mr. Leavenworth's statement on the record, but Commissioner Jankovsky basically stated "ditch maintenance would be the responsibility of each lot owner and they will maintain the right of way and natural vegetation to the ditch installed a driveway culvert as necessary."

Carey said this would be a new condition of approval No. 22 as you provided. That would be my understanding of your motion.

Commissioner Jankovsky said that is correct and thanked Carey for clarifying.

Commissioner Samson thanked Jim Wilson for coming, I agree with Tom and have to disagree on one point were you say that will devalue your property. I don't think it will devalue your property, I think in time it will enhance your property value and you'll come to realize that. I know it's not the best ideal situation for you but I think hopefully these two conditions we put in makes it somewhat more palatable to you. Whenever there's growth there's always strains and some people feel they win and some feel they lose but as County Commissioners, we have to take consideration from all people and all angles and make those decisions. With that being said, called for the question.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

**c. To consider a request for a Land Use Change Permit for a Limited Impact Review application for a Communication Facility on a 2,798 acre parcel located 3.5 miles west of Parachute, Colorado (File No. LIPA 7154). The Applicant is OXY USA WTP LP - Molly Orkild-Larson.**

Attachment Mt Callahan Communication Tower application

Attachment Mt Callahan Communication Tower Staff Report

Attachment Mt Callahan Communication Tower Exhibits G-S

Attachment Mt Callahan Communication Tower Exhibits T-X

Loren Prescott with Olsson and Associates for OXY USA and Molly Orkild-Larson were present.

Commissioner Samson swore in the speakers.

Carey Cagnon reviewed with Loren the notification process and determined they were complete, advised the Board they could proceed with the hearing.

Molly submitted Exhibits A - X and reviewed the new ones. Exhibits Y - GG.

Commissioner Samson entered Exhibits A - GG into the record.

Molly explained her staff report and provided a Power Point that explained the project.

Loren Prescott stated this is EnCana Oil and Gas is applying of behalf of the landowner OXY. It is the same application the Board has seen before. Regarding the Parachute Penstemon issue and the enfolding issue regarding FAA we've worked well, appreciate the patience, and understand Molly has put in this to accommodate disclosure.

Dan Cumberland from EnCana explained the purpose and need for an upgrade for their communication. There have been three towers before the Board last week and in the previous two months; there were two other facilities as well. The proposed communication tower on Mt. Callahan is a large design and upgrade of the communication network for significant portions of EnCana's operations. The design is for Mt. Callahan facility to be a consolidation of facility meaning there are multiple communication pads that will be received at Mt. Callahan and combined together and at that point travel to EnCana's office. EnCana is building a new building in Parachute, is under construction, and plans to occupy that facility in October 2012. The existing tower on Mt. Callahan does not have line of sight to the new facility and this proposed tower on Mt. Callahan location is critical for EnCana's successful move into the new facility and continued safe and responsible operations.

Commissioner Jankovsky asked Dan if the other EnCana tower was one of the 50-foot towers and will this tower be taken down once the new one is up.

Dan responded no, it is located in a different location on Mt. Callahan and yes, it is our intent to decommission that site if the new tower is approved and after moving into the new office.

Loren Prescott addressed a couple of points that Molly brought up and started with the issue of Parachute Penstemon. The application was submitted prior to the final drafts of the critical habitat plan and has been revolving over time. Working closely with OXY as the landowner in order to ensure the appropriate measures were being taken and appropriate level of environmental investigation and disclosure was provided. Regarding the status, the Wildlife report prepared and submitted by WestWater was read into the record as to what came out of that report. This was submitted with the original application. Daniel Padilla of EnCana provided expeditionary example of data and disclosure for them regarding the impacts and the wildlife assessment. The plant has not been approved and OXY at this point anticipates consultation will not be required on public lands. Mike Knish the primary with WestWater and the primary biological assessment spoke with the US Fish and Wildlife last Thursday and provided the letter that was in the packet for Molly as an exhibit. They have satisfied the FAA requirements for safety to the Garfield County Airport and included as an exhibit demonstrating the Mt. Callahan Tower was applied to the same methods in order to asset the requirement for registration applied to the other towers to FAA's website. Additionally this tower was

run against the Sunlight tower in order to see the results. There is a significant amount of data to support the analysis of the tower.

Molly asked under Exhibit DD which of the towers is the Mt. Callahan one.

Loren responded by saying on Page 10 at the top indicates Mr. Callahan FCC/FAA notice PDF.

Molly said it's still unclear in taking to the US Fish and Wildlife Service in Exhibit FF what bearing this telecommunication facility has on the critical habitat.

Loren stated it was addressed in the wildlife report indicating the proposed facility is not on any critical habitat.

Commissioner Jankovsky had a concern in last week's hearing and his concern and comments on the FAA was that the FAA was notified and if some freak thing and a plane hits the tower the FAA is aware the tower is there.

Sue Thomas with KNS Communication Consultant out of Denver spoke on Exhibit GG as a basic document showing how the FAA decides what towers need to be registered.

Commissioner Jankovsky questioned the applicant saying the application came to us as an OXY and now saying it is EnCana on behalf of OXY and in the packet does it shows where OXY has given the lease to EnCana to use their lands.

Loren stated a copy of the lease was in the packet under authorizations with the consent.

Carey provided information on legal access. This is a threshold issue in reviewing these applications. Not seeing the behind the scenes work in reviewing these application before they come to the Commissioners. She described the task performed to determine legal access to the site being proposed for use looking at deeds, easements, surface use agreements, road sharing agreements, right of way grants from BLM and review all these in detail to ensure the proposed use occurring on this sight is permitted from a legal access standpoint. Having advised the building and planning department not to deem an application technically complete unless it demonstrates legal access at the outset and explained the reasons for doing such. This is to spare the County from a trespass issue without having actual legal access. Exhibit EE shows the number of private properties EnCana has to cross in order to get to the site.

Commissioner Jankovsky stated to Carey that she should continue to do the legal review as she has been doing and is comfortable with No. 5.

Loren appreciates the efforts of Carey in looking at 13 miles of roadway. Multiple entities have been using this access for a number of years.

Molly stated that the FAA findings would allow No. 8 to be eliminated; however, Commissioner Jankovsky wanted to leave No. 8 in the application and Carey agreed in the way the code language reads now.

Commissioner Jankovsky - I would make that we close the public hearing.

MOTION

Commissioner

Tom Jankovsky

SECONDER

Commissioner

Mike Samson

VOTE

UNA by roll call vote

Commissioner Jankovsky - I will make a motion to approve a request for a land use change permit for a limited impact review application for a communication facility on a

2,798 acre parcel located 3.5 miles west of Parachute, Colorado owned by OXY and the applicant being EnCana with the suggested findings No. 1 - 8 and then with Conditions No. 1 - 5.

### **Discussion**

Commissioner Jankovsky wanted to address some point Molly made with the Parachute Penstemon in that area soon to be listed as a critical area and heard the report by Daniel Padilla with OXY last week and it distributed me somewhat that OXY has been a good corporate citizen and partner and protected this plant and is now seeing some of their private lands relatively flat areas being almost put off limits. This brought concerns of a possible takings but at this point that has not been and is a discussion point and not been approved so we can go ahead and approve this. If there are issues between US Fish and Wildlife and EnCana on this that will be between US Fish and Wildlife and EnCana to work it out. However, no additional conditions would be put in here. Commissioner Samson agreed.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

## **1. County Attorney Update - Land Use Issues: Carey Gagnon**

### **a. Authorize the Chair to sign a Resolution Concerned with the Approval of a Text Amendment to Amend Articles 3, 4, 7, 9 and 16 of the Unified Land Use Resolution of 2008, as Amended**

Attachment Resolution Amending Articles 3 4 7 9 and 16

Carey stated this is a matter that came before you last Tuesday, July 10 at your special meeting and at that time the Board voted unamanously to approve the text amendment to Articles 3, 4, 7, 9 and 16; however, what was omitted was the effective date which those text amendments would go into effect and implemented by the building and planning staff. She requested building in additional time to make sure we can get up to speed for me, requested an effective date of August 13, and requested not to make it earlier.

Commissioner Jankovsky was willing to postpone this until August 13 when Chairman Martin is back so we will have three Commissioners present as even approving it at this time.

Drew said if that's the direction, he will make sure this reappears on the agenda on August 13 for consideration by the full Board.

### **COMMISSIONER ISSUES**

#### **a. Commissioner Reports**

#### **b. Commissioner Calendars**

Commissioner Jankovsky - At 2:00 p.m. tomorrow we have a meeting with the BLM concerning Sage Grouse and the coordinating process; Wednesday at 8 a.m. we're

meeting with Garfield Legacy Project to talk about their open space issue being put on the ballot - a proposed ballot question. 10:00 to 11:00 a.m. have a Fleet Management meeting with Drew, Deb and Matt; on Thursday, 1:00 to 4:00 p.m. BLM meeting as a cooperating agency to review the proposed Resource Management Plan for Colorado BLM, Lower Colorado which used to be the Glenwood Springs BLM but is now the Lower Colorado District; and I'm flying to Washington, D.C. on the 20th to testify for Congressman Tipton on a bill that he has on Forest Health. I would like Commissioner Samson to cover for me on the 20th on a meeting with some CU Students with Kirby to talk about our position on oil and gas issues. Kirby was going to lead that but have requested a County Commissioner present to answer some questions more or less of an informative thing for their leadership group at 9:00 a.m. here in the Board of County Commissioners chambers.

Commissioner Samson will be there.

Commissioner Jankovsky - Then at 1:00 p.m. we're meeting with McKenney and Peckham to discuss the potential county attorney candidates on Monday, July 23. Next week was have the 25th through the 27th blocked off for the Board of Equalization and asked Drew for a number of days we need; to get this done in one day would be fabulous.

Carey - At this point, I can confirm we have hearings scheduled on Friday, July 27 and the goal is to get all hearings scheduled on that date if possible. We are still waiting for the deadline to pass for appeals of personal property assessments. Once we get those, we will have a final account for you.

Jean - The deadline is July 15 but wasn't sure.

Commissioner Samson - So far, it's looking good that we won't have anything the 25th of the 26th but possibly a full day on the 27th.

Carey - That's the goal, it's looking real good but you probably won't have 3-days of hearing.

Commissioner Samson - What I have to add to that is FML meeting the 18th at 11:00 a.m.; on the 23rd I'll be doing my mayor's meeting in Carbondale, Stacey Bernot will be hosting us and we'll be talking about water and Kirby our oil and gas liaison and he wanted to be involved in that meeting. So Kirby and I will attend in Carbondale. I have a request; if possible, could we make the meeting with the finalists scheduled at 1:00 p.m. and move it to 1:30 p.m. to give me some more lead-time.

Drew - Yes, you can but since the Mayor's meeting begins at 10:00 a.m. It is a meeting with Phil McKenney but not with the candidates. On the 23rd, you'll get our recommendation on the format for the interviews on August 16 and 17. The format for you conversation with Phil McKenney as week from today at 1:00 or 1:30 p.m. I suggest you keep it at 1:00 p.m. and tell him if it's at 1:30 p.m. and if Commissioner Samson is here by 1:15 p.m. or 1:30 p.m. the public's on notice and then we can begin when you arrive. There will be some legal advice headed to you about what you can and cannot do in your consultation with Phil presenting the finalists and this is advice you've heard before in other contexts.

Commissioner Jankovsky - That's fine if we could just let Phil know just in case he has an early flight out.

Drew will inform Phil. I had one item on not calendars but scheduling. Every agenda lists plainly and Commissioner Samson read it in full for the record today that a member



of the public can request an item be removed from the consent calendar. I would submit to you that nothing more needs to happen other than someone saying, "Please remove i.e. 3h." This morning our schedule not so much and it's more relevant to the afternoon but the meeting was lengthen today by additional discussion that simply could have been honored in full differently. As your County Manager will work on some of the procedures so that if you as Commissioners simply say take 3c off, it's off. If a member of the public asked for 3d off, it is off. Then their comments, the reason for bringing it up, is the speakers on this item this afternoon for about 20-minutes worth of talking were largely repetitive of comments they didn't need to make in the morning. To the Board's credit and consistent with the Board's treatment of public comments, there was no limit, every speaker who wanted to speak did so, there was about an hour's worth of record made this afternoon and that is a point of pride for the Board. In terms of the topic from my perspective is protocol and trying to make your meetings as efficient as possible while preserving the rights of everyone to speak on any topic within the limits you set. You gave, recently on public comments from citizens not on the agenda, additional time for a citizen to make a case on another issue and one of the topics that came up today was transparency, which I hear with some irony given the way you treat people who come before you to speak. To the extent that this wound up on the Consent Agenda at all today, that's my fault. I will take extra care if there's anything that is remotely controversial that's not where it will end up. I accept responsibility for that error. In terms of the protocol, I will work on that to make sure their right is protected but also that the meetings proceed in an orderly way.

Commissioner Samson - I've been having conversations with various people about their liking what we're doing on our roads. Their perspective for those living on those roads or use those County roads like what we're doing and the ambitious project we have \$16 million going through. I'm getting nervous that we're probably not going to get all \$16 million dollars worth of projects done. I think that's legitimate to say that might happen. In stating that I want to give recognition to Renelle Lott for the great job, she's done on the website of posting those projects and what's going on in their progress. I've sent a lot of people to the website, they think it's great but that being said, I have a request that I think it would be good for us to have on a timely basis, every two weeks, a month, whatever we can talk about that, a report given to us in this room here about the projects - an update. Along with that I would like for the engineers to come or whoever and tell us what's the encumbrances, what's going to hold things up, what's going on so when people call me, I can tell them, this project was scheduled but we've encounter a snafu with a right of way acquisition, those types of things.

Drew asked to give some information on that issue. The statutory project report that details labor, engineering and materials cost for every pending project is included in your materials today. While you get that, the public would benefit from hearing it. Let me back way up to say, at the time you expanded the road and engineering target for this year, there was never a promise implicit or explicit that you would hit \$16 million. We were trying to correct for last season, they've done a phenomenal job of expanding the planned projects but because of right of way acquisition issues and some other things, I can tell you we're not going to hit that dollar amount. You're key point of having the information you need to respond to any citizen request we'll work on and if in the future

you would like to receive this report orally on some regularly basis, I'm happy to have the road and bridge folks do that.

Commissioner Samson - I would like to do that.

Commissioner Jankovsky - That's great, I don't know about every two weeks but monthly would be fine. We only have three meetings a month so monthly would be appropriate.

Commissioner Samson - Fine. That was a request I had.

**c. Approval of Minutes**

**d. Commissioner Agenda Items**

## **ADJOURNMENT**

*July 17, 2012*

## **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

### **SPECIAL WORK SESSION**

**a. BLM Sage Grouse Meeting**

**i. The Coordination Process Regarding the Greater Sage Grouse**  
**All of these agenda items were lumped together in this conversation.**

Those present included Commissioner Jankovsky, Chairman Martin, Commissioner Samson, David Boyd-Public Affairs with BLM in northwestern Colorado, Jim Cagney-District Manager for the management for the Bureau of Land Management that has the distinction of overseeing the five field offices that have Greater Sage Grouse habitat and so I'm in charge of this project, Drew Gorgey-Garfield County Manager, Fred Jarman-Planning Director for Garfield County, Margaret Byfield-Administrative Consultant to the board, Eric Patterson-Wildlife Biologist, Rocky Mountain Ecologist Services and consultant to the County, Dan Byfield with American Stewards, Jeff Comstock-Natural Resources director for Moffat County, Sean Bolton-Rio Blanco County Commissioner, Mary Russell resident of Glenwood Springs, Andy Teielman resident of Glenwood Springs and John Stroud-press.

Commissioner Jankovsky - Thank you Commissioner, the first thing - first of all this is a government-to-government meeting and it's to talk about the Coordinating Process. The meeting has been published but we are not taking any public comment at this time. I wanted to go through the Coordination Process and what the BLM guys have given us from the BLM Handbook as a Guide of the Cooperating Agencies and the Coordinating Process. First thing that came to my attention, I actually received this from the Colorado River District Office when we looking at their EIS for their RMP (Resource Management Plan). There is letter in here from Mr. Abby, Director of the BLM and in about the second paragraph, he says, "Coordination is a key part of our day-to-day operation to work with, communicate with and partner with state, local and tribal governments as we carry out our management responsibilities on public lands. If you go back to page 31, in the handbook, there is a part laid out with questions and read those into the record and highlighted the Coordination Process.

Q- What is the scope of the BLM Coordination Responsibilities in developing and revising RMP and EIS's? BLM has a responsibility to coordinate with other government units to the extent practical. The BLM will seek to maximize consistency with the plans and policies of other government entities. So, we're here today to talk about Sage Grouse because we do have a plan which you are aware of Jim, PPR plan which is Parachute Piceance Roan Plan which takes into consideration the lands in Garfield County that are under potential listing for Sage Grouse where we have Sage Grouse habitat. Then it goes on to state that to the extent consistent with laws governing and administration, this is FLPMA 43.U.S.C., to be consistent with the laws governing the administration of public lands. Coordinate the land use inventory, planning and management activities or for such lands with the land use planning and management program of other federal departments and agencies and the state's local governments within such lands are located. Then there is just a quick little blurb, which also falls under FLPMA, but also falls under a CRS for Coordination CRF for the BLM. That is the Secretary shall keep apprised of the state, local and tribal land use plans, which is what we talked about earlier. Assure that consideration is given to those plans, assist in resolving any inconsistencies between the federal and non-federal government plans, provide meaningful involvement of local governments including early public notice and then make federal plans consistent with local plans. There is a question in here, is there a Coordinating Agency status designation and it states in here NO, there is no such designation as coordinating agency, it's coordination process. It also says MOU (memorandum of understanding) required between a local government and the BLM to define coordination and the answer to that is NO.

Can the BLM meet its Coordination responsibilities through a Cooperating Agency relationship? The BLM has a duty to coordinate even if a former CA relationship is not established. Then that again is included in conjunction with FLPMA. There are CRS down below this.

Does Coordination under FLPMA require the BLM to share pre-decisional documents and this is very important because you are in a pre-decisional stage right now and I think there will be times Jim when you may say, I don't want to discuss that because of a pre-decisional possibility. The answer to that is NO.

To what extent is the BLM obligated to follow local plans and policies. By regulation, the BLM has an obligation to keep apprised of non-BLM plans and ensure consideration is given to those plans that are germane to the development of the BLM's plans. Assist in resolving to the extent practical and consistency between the federal and non-federal plans provide for meaningful public involvement of other federal agencies, state, local and tribal officials.

It goes on to say, when inconsistencies between, this is an important one for us - this is when inconsistencies between a proposed action and a local plan or policy cannot be resolved, should there be an acknowledgment in the EIS. CEQ regulations require that inconsistencies between the proposed action and other federal, state, local and tribal lands use plans and policies and those plans and documents in the EIS. That's kind of, one of our reasons we're here to have this meeting because we do have a plan and we feel very strongly that we would like to have that in the EIS.

Then, what if a state or local plan is inconsistent with federal law or policy in such cases the BLM does not have an obligation to seek consistency.

That's pretty much it from your handbook but I just wanted to kind of get those things on the table. That is the 2012 handbook, it is revised and the title is "Desk Guide to Cooperating Agencies Relationships and Coordination with Intergovernmental Partners".

Drew - Commissioner, I believe in one point you spoke that the Bureau does not have a duty to make them consistent and I believe you meant to say, does have a duty to make them consistent.

Commissioner Jankovsky - I can go back to that but it talks about the inconsistencies and it says, when inconsistencies between a proposed action and a local plan or policy cannot be resolved should they be acknowledged in the EIS. The answer is YES, the CEQ Regulations require that inconsistencies between the proposed action and other federal, state, local or tribal land use plans and policies be documented in the EIS. Does that answer your question?

I can also go back to FLPMA, which states that assist in resolving inconsistencies between federal and non-federal government plans, or in the BLM CRF, it has pretty much the same wording, assist in resolving to the extent practical, inconsistencies between federal and non-federal government plans. So those are both in FLPMA and in the BLM CRF.

Drew - Thank you.

Chairman Martin – And young Mr. Coy knows we have done this numerous times on several different items in reference to coordination and cooperation and I believe we have obtained a cooperative status, is that correct on the Sage Grouse on this Jim.

Jim - Yes.

Chairman Martin - And we did that in Moffat County, Rio Blanco County, Garfield County, did Jackson, Grand or do you know.

Jim - Yes.

Chairman Martin - All did. And you have talked a lot about the different states that you are in right now on the Sage Grouse and the different plans that were brought up in the meetings and that is part of your record on cooperating agencies in reference to the different plans that are out there. I know we have more than one in this stage.

Commissioner Samson - There are 5.

Jim - I should talk about that in some detail here.

Commissioner Jankovsky has a couple of things to finish up and I'll just turn it over to Eric. But first let Jim talk about that and again, we passed a Resolution as a Board of County Commissioners just stating that we want to go through the Coordination process and stated Garfield County is a signatory to and has been actively involved in developing the PPR Greater Sage Grouse Plan. Now therefore, be it resolved the Board of County Commissioners of Garfield County, Colorado as follows has legal standing to be a coordinating agency regarding the Greater Sage Grouse with all federal and state agencies. Then we sent off a letter with this Resolution to Director Hankins and he seems to have seen that letter. And so we're here to really to talk about our Plan, we feel strongly about the local plan, we stated in here, in our letter to Director Hankins that each solution is based on uniqueness of our local climate, ecology, geology, habitat characteristics, productive use of lands and species diversity and so we felt for that reason that it's important to talk about our local plan. To be quite honest with you, by doing this we helped the BLM with the defensibility of the EIS and the obligation to

accommodate local plans and again this is a government to government meeting and I think there are definitely big differences between our governments because federal agencies authority is to execute federal law but it is to be balanced with the duties and responsibilities of local governments to protect the health, safety and welfare. So it's our responsibility to protect the health, safety and welfare of our constituents and your responsibility is to uphold the federal laws of the United States of America. By working together, we can kind of resolve some of these issues and move forward. I don't know if there are issues but I think I'd like to maybe...

Chairman Martin - Yes, going through this process there are certain things that have been discussed in the different meetings you have had.

Commissioner Jankovsky - Yes there have been.

Chairman Martin - There's a process that certain information is to be absorbed in the working document, etc and drafts are being done or discussion, are solutions being resolved that haven't been resolved yet with the cooperating agencies. We don't need to bring all of those up because I think the process is to work those out in the meetings.

Commissioner Jankovsky - That is a different venue and I believe it is a different...

Chairman Martin - So we don't want to get into that.

Commissioner Jankovsky - That is correct. I think Jim will keep us very, keep our feet to the fire.

Chairman Martin - We don't want to violate that agreement we have in place either Jim.

Jim - Apologize. I'm not sure what you just said.

Chairman Martin - In other words there are certain work products that are not to be divulged yet to the general public based on science, draft, a work product, a non-complete product is what is still within that MOU. There are certain documents that need to be finalized before releasing them. I just didn't want to get into those if they're not finalized. But you need to steer us because we're not, Mike and I and the rest of us, Tom is there, biologist is there, Jeff is there, Sean is there, Fred's been attending, so I just didn't want to get into that gray area. Keep us out of that, will you.

Jim - This is easier said than done...

Chairman Martin - Do you wish to respond to anything Tom has said?

Jim - Yes, I do and I don't know if this is just so much a response. I really would appreciate the opportunity to make a couple of points here. First of all, thank you very much for putting this together. If I have one point, I would like to make it's that I'm not focused in any way of my obligations are with regard to the Coordination with Counties. I would hope that we exceed my obligations and that is a non-issue. I really appreciate the work that Garfield County has done to get these kinds of discussions going because I can assure you the absolute last thing I want to do is try to figure this out by myself. I promise you that's the case. I would refer to the Cooperating Agency status and I think the core issue there, it came up last time because we had some press at the Cooperating Agency Meeting and in those meetings we're empowered by the Federal Land and Management Act, what is called pre-decisional information and that's the specifics of what's in the alternatives and that type of thing. That little window right there is my opportunity to talk to Cooperating Agencies and do something other than build this thing in a vacuum. The BLM has interdisciplinary teams and we think we cover the basics but any organization up to and including us will just drift without even knowing it, if we're just kind of working by ourselves so this is our opportunity to not do that. So

what we do is get Cooperating Agency status and that gives us a pass to divert that information and the issue there is that everyone has to have the same opportunity to comment whether in Florida or across the nation and if we start chatting about some things in some groups may say you guys were in this show such and such a manner that different people had different opportunities to the information earlier and time to prepare their comments, etc. Then they can deal me some heavy-handed bad stuff and I have to prevent that. So, that's where we stand on that. However, we have to talk about this stuff and there are plenty of things we can talk about without getting into that. Chairman Martin - Very good. I just wanted to follow...

Jim - No, we're okay.

Commissioner Jankovsky - I think at this point I just really wanted to go back to the, we do want to see our plan in the EIS and that's the reason we've asked you here and turn it over to Eric Patterson and let him talk about the PPR plan.

Chairman Martin - I want to clarify that is an approved plan, the signatures were again the US Fish and Wildlife, BLM, Division of Wildlife, The Colorado Department of Natural Resources, Rio Blanco, Garfield County, Moffat had their own, landowners who are the private landowners, there were some larger and smaller landowners, we have environmental groups...

Commissioner Jankovsky - A number of environmental groups.

Chairman Martin - I'm trying to remember how many were on that plan held in Parachute and a few other places. Can you read those off, because it was a plan adopted?

Commissioner Jankovsky - Do you want me to read them all off because there's a long list but

Chairman Martin - Division of Wildlife adopted the working plan for the State of Colorado. If you can do just a dozen of them so we can get a foundation of who was there on this working plan and then is that working plan physically available for anybody that wishes to read it. Okay, we do have a copy.

Commissioner Samson - What's the date on that Tom?

Commissioner Jankovsky - It's the 2008 Plan and I think Eric will discuss some of that. Maybe the first 15 or so that are on here:

Northwest Corporation, Mesa Land Trust, Conoco Phillips, The Nature Conservancy, Grouse Inc., Western Area Power Administration, EnCana, Bernie Buescher, Colorado House of Representatives, Colorado Oil and Gas Conservancy Commission, US Fish and Wildlife, Rifle Citizen Telegram - this is the working group members and not necessarily all, I don't know if they're all signatures. Wilderness Society, Audubon Colorado, Colorado Rural Electric Association, Bureau of Land Management, so...

Chairman Martin - It is also in the index and glossary of what took place and who did what.

Commissioner Jankovsky - It has working group members and the signatures back here but it becomes more difficult on the signature pages...

Chairman Martin - Just wanted to make sure all are working on a true plan that has gone through the process we've talked about before, Jim in reference to this process and it is not an overnight process, this was several years we worked on this plan. I'll give it to the biologist now. Thank you for the foundation.

Eric Patterson - Thanks for coming up here and one of the things I want to get out on the table is that from what I've heard from Garfield County is that they realize and understand the most important thing is to conserve Sage Grouse and Sage Grouse habitat on the landscape. So, in reading through the NTT report and looking at the PPR Plan, I think we all recognize the most important thing is to maintain what habitat is left out there. That's the only thing that is going to preserve the species long term. In order to make sure that as the County moves forward with this process of coordinating with the BLM, they also want to make sure that the PPR Plan is going to be consistent enough with the NTT report and that it is still going to meet purpose and need and to that end we just had a couple questions that maybe Jim can answer this second or not but one of the things that came up is that a lot of the impacts that are now facing Sage Grouse habitat in Wyoming and Colorado in energy development, wind power, oil and gas development. A lot of the studies in the NTT report are pretty much from the Pinedale area, Pinedale Intercline, Power River Basin where there's a lot of development up in that country. And we recognize that the NTT report is the best available science there is and looking at what are the impacts of these kinds of developments on Sage Grouse habitats. We also recognize looking at that, these studies are coming from those areas that have seen a lot of development. And, we just wanted to make sure that we understand that everyone's on the same page that is there a venue of how are we going to move forward with using studies from these highly developed areas and how to cross-walk that through areas like Garfield County where there isn't that level of development, and we're not talking 16 pads a square mile and compressors and all that in the areas where Sage Grouse occurs in Garfield County. That was a concern in our discussions, how are we going to make sure that the, whatever is brought forward and implemented in Garfield County works with Garfield County local conditions and the situations that are down here. The other thing that came up too was the no more than 3% surface use, surface use occupancy in these Sage Grouse habitats. We're wondering if the BLM or working with the NTT team can get some feedback to the County, where did exactly that 3% come from. When we looked at the studies, here's the 5 or 6 studies that are with the basis of the 3% or the basis for the 4-mile buffer around Leks and we're wondering if we can get more information on how those studies were interpreted to come up with the 3% no surface use, 1%-3% and the 4-mile buffer around a Lek. You don't have to...

Chairman Martin - That's kind of getting on where I was talking about earlier and Jim will have to steer us away, that was part of the working group discussion they are trying to work out, we want to make sure we don't violate our trust in them. We give our concerns but we're not forcing them to give an answer at this time.

Eric - The other thing is if the County wants to use the PPR plan, we realize that there is going to have to be some tweaking to the PPR plan.

Jim - That 3% is in this publically released document, so we're very safe here.

Eric - Well that's pretty much the meat of where we want as far as the science goes to make sure that whatever Garfield County comes up with and looking at and making sure the PPR is going to meet that purpose and need. We understand fully the science behind the 3% and 4-mile buffer, because those are the real key kickers in the NTT report.

Chairman Martin - And the identification of those buffers, I think it is a discussion that happens to be with the slopes and the different elevations, etc. it's not all flat ground, looks like it is on a map but you've had discussions about how the slopes are there, the different escarpments and everything else within those, there are other activities that take place at the base of those that would not interfere with life and I imagine that is one of the highly discussed items on identification of 4-mile buffers etc, am I correct Jim.

Jim - Well absolutely and then you can get into some additional kinds of issues there that if, when they made the priority habitat map, you have to scale that in a certain manner so when you complete that analysis and make that map, there's stands of Pinon Juniper and that's not Grouse habitat in priority habitat so how are we going to handle that in terms of disturbance and I have some ideas but I don't know if they're good or not. I have some things I'd like to chat about. We just feel that with the plan, proposal such as this with the EIS, the devil is going to be in the details and I think we want to make sure that we've got a good understanding of where some of those 3% - 4-mile buffers are coming from so that we can make sure we are doing the right thing too.

Commissioner Jankovsky - I guess if I can, maybe some of the differences in this Appendix C, the PPR Plan, which is Best Management Practices says some of the difference with NTT are "consult with DOW, Divisions of Parks and Wildlife on surface occupancy within 4-miles or any Greater Sage Grouse Lek within suitable habitat" so it's a consultation as opposed to no surface occupancy and it says "within suitable Sage Grouse Habitat avoid all surface disturbances within 6/10's of a mile within the Greater Sage Grouse Lek between March 15 and May 15." So I mean those are just fairly big differences between the plans.

Chairman Martin - And that takes into consideration in reference to the growing seasons for leasing, grazing and what have you and that could or could not be within those areas and that contract would be written as such, no surface occupancy for use during that certain times. Is that the way it works Dave.

Commissioner Jankovsky - It just gives us a little bit of flexibility for those situations where we've seen in front of us as the Board of County Commissioners where there's in this case, it was a Communication Tower and it was 2 miles from a Lek. But the Lek was on top of the plateau and the communication tower was 2,000 feet below and you know in that situation probably no disturbance of that Lek and so those are some of the questions we have.

Chairman Martin - Those are some of the details that have to be discussed at that meeting and then also given to the different land managers and their specialties on how that should apply that 4-mile buffer is laid open. It's one of those individual issues.

Jim - I got a smile when you say that meeting, it will be more than one meeting.

Chairman Martin - I figure the next one is going to be a discussion about habitat in one way or another and that's a biggy.

Jim - Let me speak to a concern that I've got and this is a hard thing to do and I've waffled a couple of times pretty notably more than you'll ever know. But, so I started out in the original instruction memorandum that I got from the Bureau of Land Management was to do an environmental impact statement and analyze this. That was the original instruction, okay, that mandate was expanded a bit at the scoping and we put that nationally we did that scoping and we got more issues beyond this that we're pretty much locked in to analyze. We have lots of scoping comments and that's a public



document, the scoping report that said this is not enough, we need more than that. But before I got that news, I had set out the structure of this thing saying we would take all our existing RMP's because they're pretty new and the Glenwood Springs is new. The combination of the stuff in Rio Blanco County is really good stuff on Sage Grouse. Its stuff that has already been done and the beauty of that system was that I thought that those kinds of documents were already captured in those existing documents. So we put a lot of time into that approach and there's a few BLMers who would like to just kill me because I'm counter marching them. But if you took the National Technical Team as one alternative and did a cross match of each of the five resource management plans that we have to match up with and if you looked at any one of them then you know it was reasonable. There's some mismatched issues there because resource management plans tend to discuss site-specific location, etc. but it was okay. But if you took all 5 of them and put them together, then you ended up with an inch of indecipherable complexity and I had people saying, Jim you got to give this up. This is not going to be defensible, the judge is going to look at that and say, I don't know what this says, take it away. I had to give into that, so then just getting close to the edge of the alternatives, so we have the NTT and no action. Everybody has a no action and then we got a scoping requirement to do something, which you call a citizen's alternative and certainly if we know anything from that Roan decision is that if you've got a citizen's alternatives like that in your scoping you have to pick them up and deal with them. Okay, so now it's a question of we have to have another alternative and it's been confusing and it took me a while to process to get to that but I knew I was in deep trouble and I'll credit Fred Jarman for this, at that second Cooperating meeting, he said Jim it is really unclear why we're here. I thought that I could just take the alternative that was on the development end of the scale and include that and that didn't work at all. When you look at those resource management plans, those alternatives are not standalone at all, they are just designed to compare to each other so when you took that one alternative and looked at it, that was blatantly not going to work. So now what we need to do is make that alternative and we need to do that in consultation with the cooperating agencies and we need to get those kinds of issues in there. That's what needs to be done and as soon as we can do it. Because of my little change of my mind, which I had to do, I had to cancel that meeting on the 13th and try to reschedule it for Thursday. The result of that was a lot of people had that Thursday set aside, the 13th for a long time ago, so I'm looking at fewer people that could make that meeting Thursday, which is unfortunate but we're not going to get this done in one meeting anyway. So hopefully we'll get the show on the road in dealing with what you said because when I shifted over this program and decided that no, we need to have far more generic alternatives than using the existing material with all the references to individual landmarks is not going to work. I lost some links to the County Plan and I've got to get them back now.

Chairman Martin - That's always the frustrating part that we've worked on the plan for our particular area and it overlaps county boundaries. It also goes into the field office boundaries, etc, but to do one overall plan for the entire area is really almost cool to do because each and every one of those areas have some unique qualities that have to be in an alternative that don't apply to the other. I sympathize with you.

Jim - I thought I had it all figured out.

Chairman Martin - That's why it took us about 3-years just to work this particular plan out and then to take 5 plans and not call them chapters in certain areas and then try to come up with one plan, what are you going to do when you have to deal with Idaho and other folks outside the state and Wyoming and put it all together for a national plan. I don't think that's going to work. I think that's why the RMP's and the working plans need to kind of be identified. That's our frustration and I know you are going to run into that in different states and different field offices that have plans. How would you do with the Gunnison Sage Grouse if you had to include Gunnison Sage Grouse in this working plan and those are some of the things we really have trouble with and how you can use the studies and come up with one single plan.

Jim - And we have a court-ordered time on this which is really tough.

Eric - Based on your marching orders, to use a lot of the PPR plan.

Commissioner Jankovsky - That's why we're trying to get done today with the Coordination and that is why we're here.

Jim - I would like to explore that to the maximum extent possible today.

Commissioner Jankovsky - I would like you to follow, it's in your handbook, it's in FLPMA and we would like to see our plan included in the EIS that is one of the reasons we are here.

Eric - I think the counties, they are looking at the PPR plan, well this is what was developed with their constituents, their local landowners, local Division of Wildlife, local BLM so I think the county is saying, we've already been through an EIS on this thing, can we just get that into the main EIS, is it going to work and if there are some things that need to get tweaked, can we start coordinating and getting that figured out now to make it a better alternative.

Commissioner Jankovsky - I'll go a step further, I think according to what I read in here the burden is on the BLM's shoulders to tell us why that cannot be in the EIS. That's my concern there and then when you go back to all our plans together I understand how much volume that is but when I get, and I have 3 of them now, BLM EIS's that are 4 volumes and they're 16,200 pages and I look at that and go as a County Commissioner with other duties how am I to get through that, so I understand the pain of that but it comes back on the other side as well.

Chairman Martin - But if you're not involved with it there are consequences that will ripple all the way through the county and everything that we do in reference to land; and also the citizens' use of the lands right down to the private property owner even to grazing permits and the other issues that come up with water, habitat and on. It just ripples larger and larger so we have to participate.

Jim - Here's the challenge the way I see it in terms of structuring that alternative and by the way, it's a given the way I'd like to do that. We're not discussing whether or not that's a good idea or not, we're working on how we can get that done. The issue becomes and one of the things that's a pretty clear marching order from the Fish and Wildlife Services, a lot of that work that's done with local working groups etc is way too general and it's way too voluntary and they said we can't include that in our listing decision if it's just a voluntary thing. We have to deal with that and that's a very important issue we need to review what we've got there so it doesn't do us any good to put something on the table that's just a complete dead on arrival listing kind of thing. If I

did that, the BLM would be very unhappy with me. You probably wouldn't have to worry about me anymore.

Chairman Martin - We want to worry about you Jim.

Jim - But the other point and on the other side is if we don't get some of those materials in then we foreclose those options at the draft. I think of this as 13 tricks a round and we haven't played very many hands yet, so this is really early and we don't want to start foreclosing on options. The challenge is to keep as many options on the table as possible without handing over a straw man that's just a no go.

Chairman Martin - Would this complicate your life or help because in my conversation yesterday with Don Ash, who is out of Baltimore with US Fish and Wildlife and the Trout Unlimited sponsor, which is the forming entity in Pennsylvania etc were at the meeting. We were talking about the different endangered species and the Grouse did come up, and as Don said, their idea is just like BLM to recognize all plans and if you have a working plan they need to be paying attention to that and giving it credit. Then to work out how it would work, would that help if he had a representative with that idea or just pile everything on you and you're going to have to sort it out through the beaurcacy on your own - we'd like to help.

Jim - That comes up a lot and if the Fish and Wildlife Service just said, we want this and this, that in itself would be a NEPA violation. It's illegal for those guys to say prior to the NEPA document what they want so they have to be very careful that they don't get into a pre-decisional kind of thing too.

Chairman Martin - They're not saying they're going to make a determination but what they would like to say is please consider these and I think that's what it was to again work with local governments on these plans, which you have a working plan in place. They would give it credence and I'm just saying with that kind of general support coming from Don, would that help or not. I don't know.

Commissioner Jankovsky - If I could interrupt, I do want to stay we are going to try to work with the Fish and Wildlife Service with coordination too and it's different because it's not a NEPA document. Maybe I could ask Margaret to discuss how we can go about that process.

Margaret Byfield - I think it would be very beneficial for the county to sit down with Fish and Wildlife and have that conversation directly as it pertains to the Sage Grouse, what it perceives as issues that are going to come up and they are going to be looking at through the listing process. Starting those discussions early would be very helpful and helpful in the EIS process. Also, if I could, one of the experiences we were involved in was the recent withdrawal of the Dunes Sagebrush Lizard that came out about a month ago. The Dunes Sagebrush Lizard was on the candidate list in the oil and gas area in Texas and New Mexico and that process is very interesting because BLM was faced with really the same kind of challenge. In that case, BLM had prepared CCA's and CCA agreements, had about a million acres listed in their program for the Dunes Sagebrush Lizard and it was going very well on the New Mexico side. But when the Fish and Wildlife came out with their proposed listing for the Dunes Sagebrush Lizard, they said even though BLM had amended their Resource Management Plan, which you are working on now and even though BLM had these agreements in place and had regulatory assurance they actually read it as not having regulatory assurance. In the proposed listing, they said unless every landowner of every use and roles we can't

consider it. One of the interesting things in that issue was that one of the hardest hitting comments that came back on that was actually from the state director Linda Rendell at the time for New Mexico BLM, where she pointed out that there is regulatory assurance and she really pushed back on that pretty hard. The other thing that happened is that their 8 counties involved in that and challenged the science that Fish and Wildlife was depending on and because there were a lot of holes in the science and a lot of questions in the science. Then the counties of course also supported the BLM in their letter to Dr. Ash and Secretary Salazar. What was good about that was that BLM was in the same position as you're in, they were hearing unless you have regulatory assurance we won't accept anything voluntary and the CCA part of it was voluntary and also on the Texas side they did put together a completely voluntary program because Texas is private land and didn't have BLM land that played in it. So they put together an entirely voluntary program conservation agreement and the end result is that US Fish and Wildlife when they made their withdrawal of the species as endangered about a month ago and when they did that they said they had misread the BLM's program and that it was clarified they did have some regulatory assurance and then they also accepted the voluntary plan as the Texas side. When you're dealing with private land, you have landowners participation in a voluntary situation. That's why the PPR plan is so important as it does bring in that voluntary participation in the plan, which is very hard to get otherwise. I don't know Commissioner if that answered your question.

Commissioner Jankovsky - That does answer my question but I would like to go back to this science part of what Eric brought up about the studies and NTT and what they were doing, that's one thing on the science. Another thing on the science it's in the PPR plan but not in the NTT report and we've talked about numerous times is predation and the thread is definitely talked about in the PPR plan and so I question why it's not in the NTT report. The other item is mitigation at least in our area we're losing habitat because of the encroachment of the Juniper Pinion forest. Mitigation of that although it doesn't do anything immediately, I think in the long run it does make a difference. Eric is there more you would like to add to that at least on the science side.

Eric - Well, I think one of the things that came up is the predation issue and realizing that someone's going to eat it. I think that the County wanted to see some kind of plan if it makes sense short-term goals, restoration of some habitat, is there an ability to address predation issues in some alternatives or at least have it assessed in some kind of a NEPA process. Recognizing it's not a long-term solution but is it at least something they can have in their toolbox if it makes sense to coincide with habitat restoration or reintroduction in an area or something like that.

Commissioner Jankovsky - My question to BLM would be why is wide spread predation not in the NTT report and then secondly why is there not more on mitigation in the NTT report. I've read about reclamation in the NTT report but not much about habitat mitigation. My question would be, why are those not in that report.

Jim - The predation thing is the BLM doesn't have any jurisdiction, that's a Parks and Wildlife issue managing the animals themselves so that would be outside the scope of anything that the BLM does. We can only handle the land use type issues so that's why it's not in there and why I'm helpless on that issue. The mitigation thing is going to be absolutely crucial because the NTT talks about their percents; they want 1 per 640 acres and 3% disturbance and then if you exceed that then you need to identify some

mitigation in conjunction with the Parks and Wildlife etc. I think they'll be lots of opportunities to address that PJ (Pinon Juniper). One thing that Colorado can really be proud of is that most of Colorado occupied habitat is occupied. It isn't like Idaho or cheatgrass that's swept millions of acres of habitat off the planet and it's unoccupied so in terms of offsite mitigation those guys can do all kinds of things that we really don't have that kind of opportunity because our Sage Grouse habitat is really occupied and there's almost none to speak of that's historic that isn't on this map. But in terms of that, I think that's one of the good things about this there will be some big opportunities and some funding. Because who needs to put a power line from Wyoming through northwest Colorado, you can't get it through without hitting some pretty important Sage Grouse habitat so we're going to have to negotiate some packages right in line with what you just suggested.

Chairman Martin - Just leave it out up there in Moffat County because they're just all red on that particular habitat, you don't even want to go there.

Jim - Jackson County...

Chairman Martin - Yea, Jackson County all the open area that you can put a line is also covered that way.

Fred - Jim, thanks for bringing these, if I can talk about them publically, I'm guessing.

Eric - They are public maps.

Fred - There's a finger and if you're looking at a copy in front of you, there's a finger here that is all the way west, it's the longest finger in Garfield County, I think it's the last major finger that runs up north of Roan Creek.

Eric - I think that's Four Eight Ridge, I think that's what they call it.

Maps were given to the public.

Fred - The question I always wondered about is, on the mapping anyway there is mapping that shows the Lek sites that are all one the fingers and the land that is east of that but there's not a single Lek on that entire finger. The question I've got really back to the science is, I'm trying to understand from the mapping why it's still in preliminary habitat when there's not a Lek there versus when you go down the valley floor and up to the side there is a whole another ridge is densely populated from the north all the way to the south and not a single Lek on it so I need help understanding that from a science perspective. Any help there would be great.

Jim - That's a Parks and Wildlife Map, they're the ones doing the monitoring of the birds and where the birds are and quite frankly, my approach on this is to accept what they've said on and just take care of my business afterwards. I really do need to defer you to Parks and Wildlife on that question Fred, I'm sorry.

Chairman Martin - Fred, some of that information was gathered by a couple of retired folks that had done individual notations and locations it was not part of the job description, it also used airplanes back in the 60's and 70's to get those particular sites. No one had monitored those for 15 to 20 years and they're not sure what took place. Some of the locations were not again found so it had potential of habitat but again as you pointed out the surface growth of Juniper, Sage and a bunch of other stuff that used to be there are not there anymore and now all you have is big Juniper trees and bare ground.

Jim - Once they really came up with some reliable means to do the preliminary data they found some pretty substantive patterns where birds are nesting and Leking way

down low early in March and then they are summering much higher. Picture little baby grouse birds walking a long long way between winter and summer and then take home a lesson that Lek baby management isn't working.

Eric - Do you think there is going to be an opportunity through the EIS process to tighten those maps before it becomes like cast in concrete. Or do you think the EIS is going to say well, we recognize this is the best information at this time; but is there going to be some abilities to ground truth. As you said earlier when you have the island of PJ (Pinon Juniper) in the middle of the Sage, how are we going to handle that?

Jim - Well I think we have to handle the issues in terms of that and the islands of sage would be a product of how we calculate and manage the disturbance cap and there's a lot of things to be flittered out on that. In terms of the map, this is not an unprecedented development, the BLM gets elk crucial range maps all the time that we use in the exact same manner and when they update them, we can do an amendment to fix that. In terms of am I pressuring Fish and Wildlife to redo their map, not even a little bit. I'm trying to get the show on the road with what I need to do.

Drew - Do you know what the basis for the 3% disturbance threshold is? How did you get to that number?

Jim - That number came from the team, it was listed on the back page of that, the folks that convened to work on that and it's just the preponderance of research. The Wyoming governor's plan is 5% but basically, I think there's more. I'm not a grouse biologist by any means but there's a preponderance of the evidence that one disturbance per 640 acres is a threshold by which Grouse tend to stop using the habitat whether they get predated or whether they just chose not to use that anymore and the 3%, 5% are all derivations on people's calculations of how much disturbance 1 per 640 acres have failed. Well some people think that 5% and some think it 3% and so it's no more than that. It's the preponderance of the evidence of the researchers.

Drew - As presented in the NTT or somewhere else.

Jim - Well the NTT references a myriad of other research documents and I clearly have not gone back and double-checked their logic; and really, there's no reason why I would because my instruction from the BLM is analyzing this and my instruction is not under the science behind that. If the people of the United States want to do that, it's fine but I'm not doing it.

Chairman Martin - Or that would be a challenge and we would have to do it on our own to have that discussion and bring it up even further.

Drew - That's the point and in the PPR plan if our scientific conclusions are different from the scientific conclusions you're currently relying on do you think you have an obligation legal or otherwise to reconcile the difference?

Jim - Well, I have a legal obligation under any scenario to carefully consider any information I get at the draft.

Fred - Thank you Jim and that's honestly, two meetings ago when we were frustrated, there's no doubt about it in that meeting and I understand your charge. Part of the frustration or what built to that frustration was what the instruction memorandum states from I guess Salazar. That is in the instruction manual to the BLM you've got to consider the local plans. So I'm sitting here trying to make sense of some of the things. Saying okay, we do have these local plans and so the direction from Washington essentially to the BLM is to consider the local plans and it says it several times through their

instruction memorandum, which is a public document. So that's part of the challenge you have, I think.

Jim - I can't really blame the Secretary for that because I had a plan to incorporate that and that was to bring forward all our existing documents that I was presuming for the most part had done that and that plan just bogged down in the volume of it. I'd say that's my fault and now I have to recover from that and get another approach that does get that on the table.

Commissioner Jankovsky - I'd read our plan and its 160 plus pages signed off sheets, etc and it's actually an easy read, it's not a difficult read at all. I haven't read Moffat County's and Jeff really can't speak to that but they have much more science, they probably have some of the best science in Colorado and probably science you could challenge in the NTT as we've mentioned ourselves. We feel there are potentially some problems with the NTT report.

Chairman Martin - We're not attacking Jim.

Jim - It doesn't feel that way.

Commissioner Jankovsky - We're government to government having a discussion.

Chairman Martin - Rio Blanco, Moffat, Gunnison, Eagle, Routt and Grand County all have their plans and there's science behind that and it would behoove us to make sure we talk to each other and then present that so that the scientific team or the technical team would have that information to reconsider to see if they do give it credence, if not, they support their science and go forward with what they tell Jim to do.

Jim - This is so important that I would ask you not to worry about my feelings.

Chairman Martin - Young Mr. Boyd, we like and Steve, everybody down at the field office we like, it's not that, it's just the process that we're trying to struggle through and so are you, we're just trying to find the right solution and not to miss the grouse as an endangered species but also to protect the bird without destroying the entire habitat and that kind of stuff. The other states are going to have to do the same thing. This affects 15 different states not to mention Canada way up north.

Commissioner Jankovsky - I guess one thing that is concerning which goes back to predation which you guys mentioned you're looking at habitat and not management of the bird per se or looking at the habitat but the fact that the bird is hunted and the numbers I've seen are 28,000 to 34,000 birds a year are taken by hunting, which is about 10% of the population that we're here talking about the potential listing of the species and it doesn't seem like that... if you go tell a rancher you can't have grazing but you can still have hunting, it doesn't seem right to me as an individual.

Chairman Martin - It's a limited hunting and it is out of the Division of Wildlife. They took part in our plan and I thought that had quite a bit of input in reference to how they would manage that particular species in coordination with the plan, they knew what their responsibilities were and there was a separation there from the land and the animal. In our Plan, we do that based upon their science, based upon how they went forward so I think we also need to forward that again to the Division of Wildlife. I'm going to call them that even though they are the Division of Parks and Wildlife and give that to the technical team and have a good discussion in reference to science and maybe we can do some good.

Commissioner Jankovsky - For the record I don't believe there's any hunting in the PPR area but there is in Moffat County. Is that correct Mr. Samson, I know you've hunted grouse?

Eric - Well in the PPR it's mostly private but where there's public access I think they have bag limits, I think it's two birds something like that two or three birds.

Chairman Martin - Based upon the historic population and the information they...

Fred - There are only two units you can hunt on in the entire County.

Chairman Martin - Most of it is on private lands. What else would you like to talk about?

Commissioner Jankovsky - I'd like to get to the purpose and need a little bit.

Commissioner Jankovsky - I know there's going to be additional alternatives drawn up and if we don't have a purpose and need how can we, it hasn't been shared at least I know of, if we don't have those, how can we draw up two additional alternatives plus the no-action alternative and NTT alternative. Somehow, there needs to be some direction, in this case to the operating agencies, but how do you do that without purpose and need.

Jim - There is one, it was done nationally, there is a national purpose and need and I guess I should reveal that I haven't studied that as much as I should. So I will, I need to read that again. It's been a long time since I looked at it but it's posted on the web. I'll get that information available.

Commissioner Jankovsky - Then on the Citizens Alternative and then essentially on the Development Alternative, who writes those up, who is the author of those alternatives.

Jim - The BLM just crafts an alternative taken from scoping comments.

Chairman Martin - I just want to make sure no alternative is what we have in place right now.

Jim - No action.

Chairman Martin - Right and it would be the working plan and what have you that's been adopted and signed off by local BLM, Fishing and Game, Wildlife, State of Colorado, local governments and property owners, would that stand as a viable no alternative Jim.

Jim - Well, no that's a problem because the no action, I would just love it if the no action alternative was our completed document.

Chairman Martin - That's what you tried to do anyway when you got shot down. Am I correct in assuming that and now we really don't have a no action plan?

Jim - A no action alternative goes all the way back to the documents that are being revised all across northeast Colorado and so the timing of this is really tough.

Chairman Martin - Then it means it's an overall, not just localized plan but it would be the entire regional plan is what you're looking at.

Jim - You know if we were doing this 2-years from now, our no action alternatives would be pretty doggone sweet. We don't have that.

Chairman Martin - I just wanted to clear the air on that particular issue that we're not ignoring it or anything else we'd love to have our no action alternative...

Jim - Our original proposal was there has been a ton of good grouse ideas put into these documents that we're putting out the final or putting out the draft depending on where they are but the timeline that is a product of the judicial order says, don't wait for that, do this now. So we are in a pinch on the no action alternative.

Chairman Martin - And I just want to reiterate the stage we're playing on here in reference to what we're trying to get accomplished.



Jim - That's under the category of a crying shame.

Commissioner Jankovsky - I would like to just like to and what Jim's talking about on the calendar they gave us is that September 21 they are supposed to prepare a draft RMP amended EISs and clean up the loose ends. I don't know if that's possible with all these questions, it is a very short timeframe.

Jim - That document you just read from says we don't have to have the alternatives until May 2.

Chairman Martin - I think it's been revised.

Jim - It hasn't been revised. We need to get the alternatives done as soon as we can do so in an organized manner and then redo that schedule and it's ugly.

Drew - What are your target dates now beyond, thanks for saying all the dates so far but what is your best understanding of your own timeframe now moving forward?

Jim - I need a better idea of how long it's going to take to do what the core of this meeting is, how are you going to incorporate these county plans. I don't see that coming to fruition now. As soon as I know that then we can get the alternatives pretty much roughed out then I can redo that schedule.

Drew - Do you feel you've had enough time to familiarize yourself with the PPR, the one we're here talking about today? Personally.

Jim - Personally.

Drew - Yes sir.

Jim - No. I thought I had that base covered in the original plan and then I had to fix it.

Chairman Martin - That actually puts the pressure on us in reference to what we have to do in reference to our science, our argument and pushing everything forward with Fred and Tom as our folks with questions and finding these solutions.

It's a lot of pressure on you guys in reference to these meetings.

Fred - Let me talk about this for just a minute. Actually through coordination we're hoping the BLM can help us understand why and how on a scientific basis that the PPR plan doesn't meet the objectives and doesn't get us there. There is a lot in that plan Chairman, particularly one of the issues we talked about last time was the notion of reclamation, and how does that add into or against a 3% cap. I think it's critical that everybody understands what we're doing is asking the BLM frankly to tell us how the PPR plan doesn't get to the same objective, we all have the same objective but that is a critical component here.

Chairman Martin - It is but I don't think Jim is able to answer that, I think it's going to be your technical team and the science you're going to have your discussion with based upon your science you have here in your argument and bring that forward and your cooperating status based on that science and challenge whatever finding they have so you can answer those questions, is what I'm looking at.

Commissioner Jankovsky - I guess I would just like to state that I'd like to make sure before we leave we can set up another meeting because these two issues are out there and that one is to assist in resolving inconsistencies between federal and non-federal government plans and the second is make federal plans consistent with local plans and so those are two things that are very much there in FLPMA and I know you need to go back and get a read on that but I would like to set up a second meeting to discuss that. The other thing is we are as a county working to get Parks and Wildlife and then some of our larger landowners all in one room so we can get a better discussion amongst us

on what's going on with the PPR plan and get an idea from all parties concerned about what is working on our plan.

Chairman Martin - With what you would like to move forward.

Commissioner Jankovsky - With what we would like to move forward. Yes.

Jim - We have a process format issue that I would like to raise that concerns me. To do these documents, what we basically have to do is set up that chapter 2 table with the range of alternatives so we have some stuff that's formatted up and we started that format by extracting information from this NTT alternative and now we have to format. So what I'd like to do, with your permission, is to expand this to other commissioners and other county folks that are here is that if we could get an alternative on the table that captures the essence of those plans because for me to just say we are going to do this plan as a standalone and not have it set up so it compares very specifically to the other alternatives would be a huge thing. So we need to, I'm hoping against hope that we can get that format so there's a clear comparison between alternatives and then I'd certainly like to go with one alternative rather than have the Parachute Piceance Roan is one and then the Moffat County one and then the Jackson one because that's what I tried to do with the BLM plans and that is just imploded on me so I have the same problem with the county plans.

Chairman Martin - There are three, in reference to those plans.

Jim - That will implode on me the exact way with the county plans so I'd like to get those formatted into one alternative that captures the essence of that and then we'll do impact analysis on that and if we say, no this is inadequate and then it will have to come out of that process but if we, then you get into preferred alternative issues will we have something that is going to be an extreme capture all of this decision making thing and still have something that is strong enough that we can actually call it the preferred alternative. We haven't talked about that yet but we have to cross that bridge at some point.

Drew - I want to make sure I understood what your request is or at least part of it, and I promise you this is my first time through this. Some people have been here a lot longer than me. But, the 5, did I understand you to say that it would help you for the authors of the 5 RMP's to try and find common ground and tell you what that is. I'm sorry, the work plans.

Commissioner Jankovsky - I don't know if there are 5, there are 4 or 5.

Drew - The point is, that is some of the data you're relying on is provided to you by other agencies, some of it is national in character like the purpose and need statement, some of this is just voluminous and really we understand, I think we understand you're obligations as a national agency and we're trying to ensure that science and land management is local to us, what we know best makes it into your plan. That's really all that it's about. To be thorough and we've committed, thanks for your time too, but we've committed a lot of time on this side with consultants, scientific consultants and sort of policy consultants, our own land use staff, our Commissioner time just trying to get something that's going to work and the PPR we feel works, is not headed toward listing any species, is respectful of the species. You have a lot of constituents who care deeply about the species and what the Commissioners do and do not do and for years, we've been trying to honor all points of view that way. So we're trying to figure out independent of whatever any of the cooperating agency meetings accomplish, independent of that to

try and coordinate with you directly to resolve any inconsistencies between what you're trying to do and what we're trying to do and help you meet your goal and also have you sort of honor our goal. Can you speak to any of that?

Jim - Well I don't have any problem with any of that except I hope that I've conveyed that I can't have a whole bunch of different alternatives written up in different formats so if the proposal is simply adopt that plan as is, I can't do that. It's got to fit a Chapter 2 kind of formats. So hopefully we can do that and make that work and get with the other counties and pull that together on the whole and get something that covers that base.

Drew - Can I ask you as a practical matter, if those plans were merged in one document but the concerns of the individual counties and we're speaking only for Garfield County today but there are some representatives from the other counties present also, if each of the individual counties or localities points of view were retained in a merged document, does that meet your need.

Jim - Sure.

Fred - Drew let me ask a follow-up to that. Jim, in your experience is the Colorado Plan a similar document, does the Colorado plan incorporate the essence of the 5 northwest plans.

Jim - I'll have to look into that.

Fred - Because that sits out there too with the Colorado plan and my understanding was but I could be totally wrong about that, but I thought that was essentially made up or comprised of the 5 base field office plans.

Jim - I need to do some homework on that, I'm afraid what I'll find it that will be really general and voluntary but I will look.

Chairman Martin - I think you're right.

Commissioner Jankovsky - And we have been, Fred and I were at a meeting with a representative from the governor's office and we believe there is going to be some traction from the governor's office that we can potentially put to this, we might be able to get our plans into if they don't go off in some other direction.

Drew - Can I ask a basic question? Again, you guys have been to a lot of these meetings and I haven't and I do not understand when meetings are closed to public comment and when they are not. Whether it's through this meeting, coordinating agency but some are open and some are not and I studied the administrative act in law school and I'm familiar with changes in regulations and comment period and gathering the comments and publishing them etc. But there is some concern about when that happens and when it doesn't happen and how it doesn't and I'm not asking you to be a lawyer now but just generally from your role, what's your understanding of when those comments are allow and when not.

Jim - There are materials that are specific to this project that are just underway and just under construction and being considered. Those are pre-decisional. We've come close to the end a couple of times here but I think it's unhappy the way the dialogue has been. We've stuck to information that's publically available. We haven't gotten into a situation where we've discussed and disclosed information that's only available to some people, so if I had a circumstance, you guys went over that map and you talked about that and then 100 people didn't get the opportunity to discuss it, then that's where you cross that threshold.

Drew - You want everyone to see the same information at the same time.

Jim - Right.

Chairman Martin - Without moving forward they got to participate in that before there's a move forward, it's a work in progress. Everybody in the cooperating agency status needs to be along that same line. I think that's what we've always done.

Drew - Is that why cooperating agency meetings are closed?

Jim - Right.

Drew - Okay, effectively the same way we're working on it and when we're done and we know for sure what we're talking about then we'll talk about it.

Chairman Martin - It becomes a work product and not a final decision.

Jim - When we release it is a draft then everyone has the exact same opportunity to comment. That's when we can go forth with that kind of information.

Chairman Martin - You don't take a partner by surprise is what it really amounts to without their participation. They may agree or disagree with it but at least they had the opportunity to discuss it with the rest of the group.

Commissioner Jankovsky - I had 3 issues. 1) I would like to set a date for our next meeting. I heard you on the formatting etc and I think according to this the burden is on the BLM but I think I heard you state that you need some help and I think the counties would be willing to help with some of that. I don't know, I can only speak for Garfield County. 2) In our last meeting there was talk about including the Roan in the study, which I know is general habitat, there are no Leks on the Roan at this time. I don't know how far that will have to go but I would like to hear some comments if you can.

Jim - We are still trying to evaluate the issues associated with that decision that we got on the Roan and our choices take us into all kinds of twists and turns so I can't go there right now because I just can't. I just don't want to make confidence that what I tell you will pan out to be the way we go. The grouse part of the Roan is no different from that, that's under consideration and we don't know what we're going to do.

Commissioner Jankovsky - So that will be part of your supplements then, not a part of this but a supplement to the judge's decision.

Jim - That could go either way.

Commissioner Jankovsky - I would like to go back to if we could set a date in August, I don't know if that's possible for you to do. I would like to get back to this meeting and the questions we had out here.

Jim - I intend to be here in August but I did not bring my calendar. Let's pick a date and I'll call you right back if that turns out to be...

Commissioner Jankovsky - If we go government to government meeting or other governments could be included.

Chairman Martin - That's what you want to do in reference to these issues and our partners just as we're doing right now and answering or at least giving some information, helping each other down this process. Why don't we go ahead and look at a certain date.

Jim - The 13 and 14th are out for me. He asked Jeff what the Resource Council dates are.

Drew - Could you look to Monday, August 27 simply because that is the date the Commissioners do not normally meet?

## **ii. Parachute-Piceance-Roan Greater Sage Grouse Conservation Plan**

### iii. Sage Grouse National Technical Team Conservation Measures

### iv. Additional Comments

*July 18, 2012*

## **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

### ROLL CALL - 8:00 A.M. PLEDGE OF ALLEGIANCE INVOCATION

#### a. DISCUSSION WITH GARFIELD LEGACY PROJECT REGARDING OPEN SPACE PROGRAM DESIGN AND CONSIDERATION BY THE BOARD TO PLACE AN OPEN SPACE MEASURE ON THE NOVEMBER 6, 2012 GENERAL ELECTION BALLOT. GARFIELD LEGACY PROJECT REPRESENTATIVES

Helen Anderson, Dave DeVanney, Peggy Chu, Martha Cochran, Clark Anderson, John Lavey, Mary Noone and Sher Long were present.

Dave started saying after the meeting on June 19, 2012, the Board requested additional information and the language for the ballot for the November election. The group was also requested to provide additional program details. This is an elected advisory board committee, Aspen Valley and Sonora Institute. He submitted a memo yesterday to the Board explaining the ballot language to satisfy the Tabor requirements. The Resolution has been presented today with the ballot language and we hope the Board of County Commissioners will adopt it today. Included in the Power Point presentation were,

- 1) The Resolution
- 2) Examples of Projects should it become a reality
- 3) Asked the Board to adopt the Resolution
- 4) Comments from the citizens

Mary said in order to move this forward and get it on the ballot to allow voters to determine the Legacy of Future Generations for Garfield County; we need the visuals, and presented the Power Point to the Board. She provided the ingredients saying it was like a three-legged stool. Plan, Administration Funding we are hopefully of getting in November and Community Input.

The group did polls to support the program and Greenprint provided the plan to guide investments.

Polling showed 58% would support with the impact of \$39.00 a year increase in taxes. 77% wanted to vote on it in the November election.

Peggy Chu, attorney who is familiar with land use and John Lavey-Sonora Institute created the Resolution and developed the key pieces. These key pieces are;

- Framework and points
- Purchase development rights from willing landowners (limited Conservation Easements) as the tool then to result in land protection. Limited purchase of land

use of the "fee simple" purchase. These are the two main ways land would be acquired for conservation. Often time's landowners have a dilemma, on one hand they would like to keep their property in a relatively undeveloped state perhaps due to Ag or wildlife values or whatever. On the other hand, they are seeking or need to gain some financial equity from the property. Development may seem lucrative but as we've seen, they don't want to do that. The program does create a pool of funding from which landowners can draw from so they can meet both of those needs. That pool funding is created by the implementation of a small new tax to the County's existing 1% sales tax rate of 1/4 of 1% and it's hopeful to think about that figure in two ways. That means for every \$100 that a purchaser spends on qualified goods, then basically that's an additional \$.25 cents in tax or think about it in a different scale, for every \$800 a consumer spends on qualified goods, it is an additional \$2 in tax. It has annual impacts to the average Garfield County household of less than \$40 a year. Ultimately, by our analysis it would result in roughly \$2 million dollars of revenues for this program. Dealing with public money requires these funds are wisely managed, accounted for, distributed and the primary need for an arbitrator of that process is contemplated to be an unpaid Volunteer Citizen Review Board. We were asked to explore if the Board could be elected by the electorate and not appointed and research was done.

#### Process

The Board would review the application process and the review would be like a grant selection. This is a voluntary program for landowners. Government and staff would not be involved at a maximum level. Under the Routt County level, a staff member of the project would accept applications.

Commissioners are not involved until the very end with some involvement.

How the framework is built into the Resolution.

Peggy Chu gave the Resolution contents

- General provisions; sales tax; expiration date; call for vote, November 6, open lands fund; citizens commission (a review board); deposit and expenditure of funds, repeal/amendment, and miscellaneous.

Commissioner Jankovsky - We will have an opportunity to review the process.

John Lavey - Yes. It would be willing landowners willing to work with this Board and added the applicants who are able to approach the project saying it would be those who support the Ag culture, protect wildlife habitat, recreation, wetland and areas along the river. We would be flexible with the funds such as gravel pit through reclamation, community pond or park. Fee simple purchases and proposed an annual 25% cap to be used for land purchase, by municipality or the county. In the event funds are not used, they would be banked and a local ski area could access funds and then it would be up to the citizens review committee. The repeal and review committee will review these landowners.

That's the Resolution and the importance of the Citizens Commission is

- \* Unpaid volunteer commission serves as program staff
- \* Develop bylaws (terms and procedures)
- \* Develop project-rating criteria
- \* Conduct site visits and evaluate applications

- \* Make funding recommendations
- \* Oversee annual report to the citizens
- \* Accountable to public who are the stewards of public funding

Larry Dragon spoke on the Commissioner's need to support this project. The research on electing boards includes Federal Mineral Leasing, Public Library and the Communication Authority.

Sandra Castle spoke on open space programs all across the nation; however, the citizen's board is lacking statutory authority to create that board.

#### Example 1

The Dry Elk Ranch Conservation Easement where the landowner wants to conserve the ranch; their decision was made by talking to neighbors, family issues, etc.

The structure would be:

Citizens commission reviews; BOCC approves funds; Conservation easement of property landowners receives \$\$\$ (6-month project). Focus - Is on agricultural preservation. Tools are the purchase of Development Rights/Conservation Easement. Key Players are the landowner, Land Trust and the Open Lands Programs

Key points:

- Landowner sells development rights, but retains ownership
- Program funds could be used to cover the entire costs or, more likely, to leverage other funds (GOCO, DOW)

Details negotiated and addressed in the contract for the easement include:

- Water rights

#### Example 2 - Rifle River Park and Boat Ramp

John Hoffman is reflected in the Rifle project with a land lease from CDOT and would have better access for the River Trail; it also connects with the overall trail.

- Paradise Island is an amazing piece of land
- "Fee simple" purchase for the City of Rifle.

Focus on Example II - Recreation, River Access, Community Amenity

Fee simple purchase (acquisition)

Players - City (applicant, landowners)

Key points:

City applies and uses funds for acquisition/park development

City is responsible for property (maintenance etc)

Program funds could cover entire cost or leverage other funds GoCO or DOW

Clark Anderson – There are lease lands and probably 1500 acres of Ag land in Garfield County and Pitkin County. It does work and explained how as a county to continue

forward. Local food business is becoming a moneymaking job creating tools and ranchers want to stay in businesses.

River access at the Hwy 133 Bridge in Carbondale with a boat launch near Ironbridge and a parcel at base of Red Hill

Countywide there are many examples of private ranches

New Castle - Trail connections to the river with access

Silt - Expand Silt River preserve

Rifle - Island Park, Reynard Ditch Trail, Gravel Pit reclamation

Carbondale - River access east of the 133 bridge; Boat launch near IronBridge, parcel as base of Red Mountain

Parachute/Battlement Mesa - Expand Cottonwood Park, Library Trail, Colorado River frontage

Glenwood Springs - Lookout Mountain Ranch, Olsen Property on Red Mountain, South Face of Iron Mountain

Today we are asking the Board to adopt the Resolution and support the effort to protect the River, Ranches and the Recreation Economy.

Carey noted this is noticed as a Special Work Session.

### **Public Comments**

Alex Briedis – He is for the project and examples were given.

Scott DoDero - He is for the project and very important to maintain some of the larger ranches.

Larry Dragon – For the program and said this is additional funding stream for the Canyon Trail and onto Mesa County.

Frank Breslin - New Castle - Very impressed with Greenprint. It's a treasure and brings people into our town for fishing, camping and recreation.

Shannon Meyer - Carbondale - The amount of development is staggering. This program would give another opportunity; give fee purchases for land purchases and more tourism. She wants to give the citizens an opportunity to vote; a choice.

Helen Anderson originally from England found Garfield County to be the most beautiful place with ranches and cowboys, riding bikes on trails and fits with her image of the west. She wants to keep it open even though not a full time resident but she did purchase a home; she supports the ballot question.

### **Questions**

Commissioner Jankovsky thinks on the title on page 1 he would like to see the word, "rural" somewhere when we're talking about conserving ranch, rural and agricultural lands. On page VII c and became confused 1 a - c asking Peggy Chu to go through this more indepth.

Peggy - The Section VII c 1 a - c contemplates who is the eligible applicants for the program.

Commissioner Jankovsky said with that willing landowner would the conservation trust fee simple transaction own the land or own development rights or...



Peggy said only for the county and municipalities; it's contemplated, they can use the funds for less interest funds for conservation or 25% of the fee simple interest. Willing landowners are only allowed to do the conservation easements and they cannot use the fund monies for a fee simple option unless they are working with a county or a municipality. If the landowner is working in partnership with the land trust, we're still talking about a conservation easement at that point it's an agricultural easement. Commissioner Jankovsky on number v, which is talking about the audit does not specify, at least at this time, that it is on the backs of the county wanting to make sure that's specified as part of the 5%, which gets me to the 5%. The concept is good but wonder if that's enough. Perhaps it should be 7.5% to not get into a situation where county employees are adding another 25% to somebody's job or having to hire another employee. That expense needs to come out of that administrative fee. Chairman Martin taking the example of the Federal Mineral Leasing District, the amount of money they raise over a period and have identified as the potential of 10% administrative fees. You can't exceed that.

Commissioner Jankovsky - If it \$2 million dollars, it's \$150,000. Then on page IX 2 to the Commissioners it talks about open lands fund may be used in the following manner and when it gets down to recreational opportunities it goes on to say, trails and parks and we are not as a county have a parks and trails or a recreation department. It is something brought up to Larry Dragon on the LoVa trail and once we start owning that trail who will do the maintenance. There's an asset but a liability too. For a long time it's been a policy of this Board not to have a parks and recreation department and not go there, so that's something we have to look at and we may not want those words in there.

Chairman Martin said it has been a constant push for the last 16-years that the county needs to have a parks and recreation department to maintain those. We've always said the county needs to be small enough, simple enough to do the basics that need to be done and not go into the recreation business. We've made that a conscience decision. This would be a change from that policy; we did that with the LoVa trail because we do take on the maintenance and the requirements under the federal commission on the right of way for LoVa trail now. We did contract that out but it is the push and we opened that door. Technically, we are in the recreational business. The question is do you wish to expand that and it's the question before us.

Commissioner Jankovsky said Larry's going to have to address us at some point as to the ownership of the LoVa trail.

Larry Dragon said trails are recreation but more than that, they are transportation corridors and the county is in the transportation business, roads, trails are alternative if not appropriate transportation. It's another way to look at it.

Chairman Martin said the question was are we in the transportation business on the federal highways commission right of way and that's the question. Is CDOT right of way our purpose in county government? That has been a discussion for 10-years or more.

Larry supported his argument by saying it's the same for oil and gas development and the creation of roads. The county has opened that door and sometimes you have to expand transportation. This is another way to do and another way of looking at it.

Dave said what we're proposing today doesn't see us requiring the county to create a parks and recreation department. We are looking at some small amount county

assistance at the staffing level to oversee the program, accept applications, and coordinate with the advisory commission and minimal involvement. If necessary if the county staff time needs to be reimbursed for the program that is certainly can be done. If that's the hang-up with this commission, we're going to take care of it. We're just asking for an opportunity for the citizens to vote on this issue.

Commissioner Jankovsky - We're just bringing up potential issues.

Chairman Martin said it is just more than having a person commit 25% of their time because it deals with other departments that have to be involved. When it becomes money issues, budget issues, accounting in reference to audits included and insurance coverage, liability and just goes on from there. It's not one simple person doing 25% of their job to look at these applications. That's the undocumented expenditures to the county government so you have to put that in there and the administrative process that has to take care of all of those issues. You can identify that but there are other unidentified things in the process and it is an expense to the taxpayers. That's the point to be made.

Dave said the bigger picture is we need to weigh that against the benefits to the entire county this program would bring. We've listened to a number of respected people that have come before you and given you their opinions and their support of this and what we're doing. All we're asking the Board to do is give the citizens the opportunity to vote on this in November and see where they stand on this issue. It's another \$39 per year per household worth the perceived benefits.

Chairman Martin said that goes down to the individual household, can they afford it or not.

Commissioner Jankovsky wanted to make a comment to Mr. Devanney; this is totally discussion at this time and not a controversy. I'm going to bring up some of my opinions. We had the Gunnison folks here and they talked about their trails and did go to a situation where they hired people to maintain the trails etc and that is a concern of mine. We don't have that at this time and it is adding additional government. This will be the third year a commitment was made to Mary Noone. This issue will be in front of the voters of Garfield County for the third time. He suggested they take a deep look at the economy right now. The people you surveyed have asked for this on the ballot, and we need to take a deep look at what's going on right now and consideration of people who do not want any additional taxes. For those of us who are working it's well; there are so many people in the 20% number that are hurting, hanging on, off their unemployment, losing their houses, on food stamps and that is out there and real. You did your survey, I would go back and take the three school bondages or overrides and pull out Eagle County and Basalt, look at who's in favor and who's opposed all the way through the county and you may find that 48% are opposing new taxes. Do this one more time with the open space and for me, it's three strikes and you're out. Personally, Tom does not believe they can get this passed. He going to vote to move, when it comes up, to put this on the ballot because the voters can then talk about this.

Commissioner Samson asked a couple things. Can you go through a quick explanation of when the lands are turned into this conservation easement etc and how you would use that? The loss of tax revenue is my understanding that once a landowner goes through this process and a ranch becomes part of this system. When that occurs, does that guarantee forever that the land will be taxed as agricultural?

Martha said yes, on a parcel that size it guarantees a couple of things, on large parcels it cannot be subdivided, it has to always remain in a large size parcel and it's taxed as agricultural.

Commissioner Samson added the main thing in doing that the landowner is giving up their right to develop the land. Would there ever be any development on that land or is that where the separate nuances i.e. one large family home on this section of land, 640 acres, can there be written in there that down the road my two sons can build houses there.

Martha said yes and that reduces what they are giving up in acreage. It reduces the development rights so whatever they keep is deducted from the value they are giving up and this program would pay for.

Chairman Martin said that goes back to the assessment of who does the value of the land and what it would be and any kind of change on the overall raw value such as two houses, etc deducts from the overall value of the conservation easement. Then the person gets a one-time payment. It goes to the landowner and he can use that for anything he chooses to do and the land is then secured into perpetuity as it is written on the four corners doctrine.

Martha complimented John on this good explanation.

Commissioner Samson said after those special amenities are put in there they are in stone. Nothing can ever be built upon the land forever.

Martha said an easement does not change the tax nature of a property. It won't impact the tax rolls.

Chairman Martin said once this happens, the landowner can lease it out or he can just own it and walk away and there's nothing you can do; it then becomes classified of the Assessors role as vacant land and vacant land back to the tax structure is the highest possible tax on a piece of vacant land versus agricultural. That's one scenario and it's an abuse that has happened, legislation is trying to take care of this. The other scenario is you are tying all future holders of that land to the four corners document, is it a good thing or not. That is the biggest decision the family has to make on that land. There is no going back and what is written into this contract to the removal of trees, barn to historic preservation etc. If it's not in that document, you can't change it.

Martha stated there is an amendment process for certain minor things but it's rare. It's the ultimate private property right and the landowner is exercising a property right that binds future owners. It's a huge decision.

Chairman Martin wants municipalities to look at their annexation plans and into the future, utilities and if you have many conservation easements, it will be very difficult to get across them if you need the expansion for public purposes. Those are some items that everyone needs to look at, it doesn't always just affect the property owner, and it affects everyone around that conservation easement. It could be positive, values could go up on your land, very marketable, also limit what an individual landowner can do with expansion, etc. It could be detrimental. It's not just about saving a viewshed corridor and keeping somebody to run cows so people can enjoy it, it affects many things.

Martha defended it as important for these municipality representatives in dealing with the three-mile sphere of influence.

Chairman Martin suggested some discussion with the municipalities such as their comprehensive plans, annexation issues and their 3-mile sphere of influence. A

conservation easement in the middle of that plan needs to be discussed; it could be positive or negative.

Dave commented on the point made to all the Commissioners, this is serious business, very lasting and long term decisions to be made; everyone has to exercise due diligence, the advisory commission members will need to be skilled and make the best use of the available resources when they propose projects for you to fund. Our goal is to provide a legacy of quality of life in Garfield County that everyone can feel good about and passing onto to our children and grandchildren.

Chairman Martin said the other downfall is it can become political and that's unfortunate. It's a reality.

Dave said our objective to from day one is to stay out of the political arena and this is what we feel regardless of party affiliations. This is what Garfield County citizens would enjoy, benefit and gain some economic benefits as well.

Mary said we've come up with a unique program to Garfield County; we've done our homework, exhausted efforts for three years to come up with something that would be valuable. It's our job now to educate the public and it will be a hard one. The sales tax is going to be a difficult one for people to swallow but we have to balance it with what we get out of it for the future of Garfield County. We're ready for the challenge.

Larry Dragon appreciates the comments made by Commissioner Jankovsky and it may be an uphill battle, difficult and cannot predict what will happen. We have a much better chance of this wonderful program something for future generations to become a reality if you as the elected leaders of our County can get behind this and help educate the public about the benefits at such a small cost.

Sher Long - EnCana, was wondering for clarification on how these projects would affect mineral leasing and development and Martha said it doesn't any more than now; the reality of life is that mineral rights trump everything. As a land trust, we've done work-conserving lands with split mineral estates with oil and gas development and it's not changing. If the municipalities want to buy something, they would have to work it out if it has mineral rights.

Chairman Martin said the municipality could purchase those mineral rights if they are for sale, but it's water issues too. On CR 306, a parcel was sold to an energy company and the surface disturbance is part of the discussion as well as rights of way layout of roads and reclamation, it can be done, a time-consuming issue and very frustrating but no way can you stop the mineral development based on a conservation easement.

Chairman Martin gave the instance of a pipeline and then the use of rights of way can be used affecting all taxpayers in reference to that alignment. It has an impact on road and bridge fund, general funds, tax funds etc and those are some of the things the county has seen in the past.

Martha said it's the same kind of condemnation rights, easements don't trump but minerals are condemnation rights.

Commissioner Samson has one last item, Article VI b open lands advisory committee shall consist of 9 members, three of who shall be residents of unincorporated Garfield County and the other 6 from the municipalities, a suggestion to put in there those 3 be from each of the three districts of the Commissioners to have a geographic balance.

Carey Cagnon determined this was has been noticed as special meeting on the website and the agenda posted; however, the physical postings are no longer up in the

administrative building and unable to support this is a public meeting. She recommended a conservation one and make sure there are no notice issues, if the Board is interested in moving forward with the Resolution. This could be held in the special meeting next Monday, July 23. We can add to that the first deadline to meet under the election laws is notice to the Clerk and Recorder, if you are going to participate with a Ballot Initiative. We could bring a finalized Resolution before the Board on August 6 to consider the ballot language.

Chairman Martin would like to get an actual cost from the Clerk and Recorder of the election question for the public record as a general expenditure not budgeted.

Carey stated the Clerk has notified her that the expense will be nominal because the County will be bearing most of the cost of the general election. Carey made clarification on the members of the advisory board in term limits following state statutes and those members would come before the Board for approval. The committee would not receive any compensation for their time only for travel expenses contemplated in the administrative services and in the bylaws. The criteria for which the application would be judged falls on the committee and upon the analysis of those criteria, a recommendation would be made to the Board of County Commissioners. The Board would be required to apply the same criteria in determining whether to adopt or not adopt the committee's recommendation.

Chairman Martin said however, the ultimate accountability is on the elected officials who make the determination based upon the recommendation of a board that is not accountable to an elected body. This could become a political football on the final decision. Therefore, accountability and decision-making should be part of that board. Peggy suggested a set of criteria for the Board to base decisions on given by the committee.

Carey gave additional legal comments and asked various questions of the advisory committee's role.

Peggy said it would be explicit in the bylaws.

Carey said additionally the advisory committee would develop criteria on which applications would be judged and based upon the analysis of the application against those criteria a recommendation would then be made to the Board of County Commissioners. The Board would consider the recommendation and make a decision whether to adopt or not.

Peggy clarified the role of the advisory committee is to make the recommendation and to look at the priority, criteria and do the heavy lifting then make the recommendation to the Board. If the Board decides to use the same criteria, they could or they could develop their own. In other counties where they have open space, the board listens to the recommendations of the advisory board.

Carey's concerns are. if there were no specific standards the Board would be required to apply once the recommendation comes from the committee, then what basis do they decide to accept or reject a recommendation.

Peggy explained what other counties do. Basically, this Board is relying on the subjective expertise of the advisory committee.

Chairman Martin referenced the ultimate accountability is to the elected officials who makes the determination based upon the recommendation of a board that is not accountable to an elected body.

Peggy - The volunteer committee doesn't have the ability to expend county funds. Chairman Martin made the suggestion this be set up similar to the Federal Mineral Leasing District so the meeting would be public, have a set of criteria and not putting all the other as a political action. It's a political football based on these recommendations and then it puts the Board on that final head of the needle to make the decision. It should be discussed. I don't want to see that occur. There needs to be credibility and accountability to the decision making board.

Peggy said one thing the citizen advisory board could contemplate in the bylaws is creating a set of criteria for the Board of County Commissioners to consider.

Dave said this groups depends upon the good judgment of the Commissioners to consider these options, do it in a non-political way, and do it in a way that benefits the citizens of Garfield County.

Chairman Martin indicated the bylaws would be crucial in making that approval or denial. That is one of the biggest issues we have in front of us.

Commissioner Samson suggested a stipulation that the bylaws need to be approved by the Board of County Commissioners.

Carey added it would have to be.

Peggy referred to Section VI b in the handout and g and read into the record.

Chairman Martin wants to make it so the committee would make bylaws for approval by the Board of County Commissioners ensuring clarification as a stronger language but clear-cut there is no disagreement they could submit. Say they submit bylaws approved by the Board of County Commissioners. There would be no challenge to it on either side; it needs to be plain, straightforward and the citizens need to have an understanding of what they will get and no wiggle room on either side.

Carey had more questions about the 5% covering any training anticipated for the committee members.

Peggy said the listing of the counties support of expenses and audits are examples and it is the discretion of the BOCC.

Chairman Martin wanted this clarified for training. The other issue is if it is going to be taxpayer dollars, it goes to the Treasurer and accountable through a fund balance or expenditure revenue side for the general purposes in the accounting department and be subject to audit through external and internal and added as GASBY inventory based on ownership, etc. Everything needs to be identified for the federal government accounting office and if we don't we are in big trouble. It's an asset if we have control of the funds.

Carey had another question about the bias or prejudgment in the process if Garfield County can be an applicant for these grant funds and ultimately, it circles back to the BOCC on behalf of Garfield County that is approving any allocation of grant funds and how does Carey argue against the prejudgment or bias in determining awarding money to them.

Peggy said that is the role of the citizen's advisory committee because they are separate and apart from the BOCC. They are the ones reviewing the grant applications, the appraisals, the underlying documents, the benefit, need and the meetings in other counties are often held in a public meeting. Executive sessions are only for the confidential items like the appraisal items.

Chairman Martin said yet the BOCC has to make a decision based on the recommendation and criteria reverse, approve, deny, or make a different

recommendation. How do we hold this Board, whoever sits here so there is no prejudged determination as that's a political arena?

Peggy agrees it is political but has not been an issue in other counties in Colorado in an open space program where the county does receive funding. Some have published newsletters.

Carey said along those lines if you have members representing they would not necessarily be an employee or an elected official from a municipality but they would be essential put on the board to somewhat protect the interest of the municipality in the process. He does not specifically they would not be allowed to vote on their own application instead disqualification would only occur because of a personal or financial ownership interest.

Chairman Martin wants the committee to have their own legal advice and not dependent on the county at the point it would be a conflict for the county attorney's office making recommendations to an advisory board and trying to support it to the Board of County Commissioners. There would be a separation of that, correct.

Carey alluded to the significant cost but if you're hiring counsel to act specifically for the committee.

Chairman Martin was looking at that being in the administrative costs because it identified expertise, advisories and on through. The county attorney serves the Board of County Commissioners.

Drew gave information, first I support the proposed schedule that in order to preserve this issue for the November ballot you have to take the formal action of notifying the Clerk and Recorder prior to July 27, it's a simple matter and we can add it to the agenda at 1:00 p.m. on July 23. The county attorney suggested August 6 taking up the Resolution but he asked for August 13 and explained why. First, two bits of things, certain that during the June meeting he mentioned what he thought next steps should be and the ground had been thoroughly covered from a broad presentation of what the proposal was and used the balance of time to drill down to specifics and what it would look like. This is what the board did and helped me greatly. Also, Drew thanked Martha, John and Clark for the visit on July 5 meeting for half-hour to address Drew's specific questions. One to earmark, who is doing the legal work for the transaction themselves but before that to give some viewpoints. The best analogy for this structure thinking it is not the Federal Mineral Leasing District or the Library District or the Planning Commission, rather the best analogy is the Human Services Commission and the reason is the proposal to fund your land use advisory committee is identical to the way the Human Services Commission is funded that is by for portion of sales tax voted on by the voters and if the majority approves it this Board spends it pursuant to their instruction. That means like the Human Services Commission one word I heard was perfunctory and not sees the Board as perfunctory at all, you are central and the end authority on bylaws, adding a fund to the county budget like the chair said somewhere in \$2 million a year that the Treasurer manages every single check that has to do with the advisory committee will be issued out of county finance, to the extent you choose to use the county attorney's office or outside billing those are administrative expenses. Unlike the Human Services Commission where it truly is a once a year meeting to receive one set of grant applications and determine how the collected sales tax should be distributed, there are a few more moving parts here that do increase the

administrative burden which is my responsibility. Because that is so, the land use advisory committee should you vote to put this on the ballot and pass by a majority of the electorate they will only have the powers you say they do and Peggy to verify, the point made in the Power Point Presentation about the statutory authority for the FMLD and Library District, there is not corresponding statutory authority for what is being proposed and she confirmed Drew to be correct. So the basis for the legal authority is the power to tax and the power to refer tax questions on the ballot making it 100% County Commissioners and that whatever composition the Board wants on this board and power that's what they will have. If you want to express for any and all legal advice, 5% off 7.5% or whatever, tax collected shall be used to retain outside counsel and you can say the county attorney will never be involved. This Board can make it say whatever you want. For these reasons, a request for August 13 to give time to for extended discussions on the irritation of the Resolution with the county attorney. There is an obligation for your staff to give you more than an off-the-cuff 5 minutes now so you can see what this really looks like. Who is doing the work and making sure the model proposed limits the burden on county government because if the people decide to pass the tax you create a dedicated fund restricted for this purpose, administer for the purposes the electorate told you. When the time comes, Drew will tell the Board the ballot title itself probably should be clearer that this is a tax increase and suggested moving the 1/4% tax closer to the title. This is the cycle to put this on the ballot, as it is a general election where the full attention of the voters is focused to get a true read. One consideration is the duration of the tax - those are policy issues to point out to the Board. As it is structured the administrative burden on the county maybe greater than has been presented and not a 1/4 or 1/2 time thing.

Mary Noone disagreed and felt only the set up would consume time.

Chairman Martin referenced the phone calls each one receives regarding the decisions. Drew indicated the committee doesn't have any power beyond the advisement power and it's an awful lot of work, if we take your example of the Planning Commission and if they do their thorough review as they do of every land use application at the end of their meeting, they are giving advice. The fundamental difference as you've represented the land use advisory committee would engaged in transactions and you don't have to worry about that county because we'll make sure the landowner and municipalities are dealing with each other and making sure the money changes hands and ultimately we'll have an agreement for a conservation easement or for a purchase and sale of real property, maintenance agreement for trails, whatever is different in kind, it is an operation, a program you are running, it's not citizens showing up at 6:00 p.m. on the 4th Thursday of the month to take and advise. It is an active process. If the BOCC understands that and delegate the authority to you, they have the power to do so as their agents and this raises a host of other issues for volunteers. In Drew's opinion it appears to be more administrative and delegation of authority components than have been discussed. It's more akin to running a Library or some on-going operation like it. The difference is in the case of the FLMD and Library District there is statutory support for those. The bylaws you write are more akin to enabling statute for this group than anything else. You are defining their powers, limits of power and whether you want to delegate what you will or won't delegate. This has never quite clicked until seeing it in this formal proposal.



Chairman Martin said they are more than advisory because they can take action and Drew said if you allow them.

Direction

Commissioner Jankovsky would like to direct staff to move this forward and place the notification of the Clerk and Recorder of the ballot question on July 23 at 1:00 p.m.

Drew said based on the county attorney's recommendation we will place the narrow issue of notice to the Clerk under Title 1 on July 23 and asked to give us direction to August 13 for the other issues.

The Commissioners agreed to this direction.

Martha requested August 6 but Drew knowing how busy the county is, will do his best but now the schedule is for August 13.

Drew requested who does the real estate transaction in their minds for this and who's doing the work.

Martha explained on a conservation easement it's the land trust and the fee it's the purchaser.

Drew questioned who is contracting so the county enters into a contract with the land trust to do this work.

Martha said no, the county enters comes in at the point where the county approves the contract if they pay for something.

Chairman Martin asked if we approve it, who signs.

Martha said the county would give the money to the municipality and an agreement to disburse. The contract for the purchase of conservation easement is a simple purchase contract that if the Board approves it, the county would cut a check to the landowner.

The county wouldn't come into it until that stage.

Clark said in reality as pointed out it would be a combination of these. The applicant sponsored by a land trust comes forward and the reason is to put the burden on the professional to do that type of work.

Drew said so the applicant contacts you, contacts the land trust and you're the one who's organizing the prospective transaction.

Martha said correct, it's our council who does the title work, the contracts, writes fees etc.

Chairman Martin so we just have to show the public the need to release the funds.

Martha said the Board is judging the criteria and we've with the landowner have done all the basics.

Drew asked what the advisory commission receives with respect to the transaction, what are they reviewing.

Martha would say they're reviewing the attributes of the land, a baseline biologist report, an application that has the criteria set out like the blueprint for the board, reviewing finances of it, they may set a goal of 30% of each easement has to be donated, whether it meets the criteria and probably ranking them. The anticipation is there will be way more applications than money, GoCO does this all the time using a ranking system.

Chairman Martin asked Martha if she has looked at the contract between the non-profits for the Human Services Commission and the information they have to supply to the county to release those funds and suggested this group look at that because it's not just simply requesting the money no matter who it goes to, release of that money and certain criteria because of auditing and finance rules. Suggestion was made to give this

group a blank form so they could understand what the county is up against when releasing those funds. That is another administrative process we need to include within the disbursal of funds.

Martha agreed and said she has a whole pile of state requirements, the final easements and all the stuff will be and then goes to the state and county.

Chairman Martin wanted to make sure as the county goes through checks and balances to release taxpayer dollars.

Commissioner Jankovsky directed a question to Drew on the percentage of administrative fees might not be enough as he said and it may be 10%.

Drew said it's still not clear and anything short of purchase price is arguable administrative fees. Land trust fees, legal review of every transaction, title work, the county's central services are allocated in terms of our non-central service departments, they figure out the cut of overhead and some portion of whatever we do check writing or helping them use this room or ordering dinner or printing materials or booklets, all that stuff is not small and even its once or twice a year we have to think about that on the front end. The next step on who does what would be helpful to meeting with this group once more and get very specific about applicant comes in with this acre and want to turn this into a conservation easement, every single step of who does the title work, how that transpires, and help Drew understand conceptually how these things move through the calendar. If this is structured as a twice a year grant cycle, who is monitoring the work until you collect enough to get to the grant cycle, or do you say as the FMLA District does, the grant cycle starts on a date and we're taking applications for a month, we're done, two months to decide and we make our awards. These details absent a statute that tells you so, the Commissioners must put this into the bylaws. That is a lot of thinking and to be fair here you don't have to figure out every detail about it now, but Drew needs to understand enough of the details now to give advice to the Commissioners about how this impacts our administrative and legal costs. The first taxes will be collected from January 1 - March 31 and no one will be able to tell you the amount until mid-May so no money to give until 10-months from now. That gives time to flush out the details and finalize the bylaws, etc.

Mary appreciates this and what we're trying to do if for all time and make sure things are taken care of.

Commissioner Jankovsky thinks the 10-year cycle is a good one and then it comes back to the voters.

Chairman Martin agrees to see how things go and if the voters are happy but the conservation easement remains in place for perpetuity that have been from year one to ten and never change.

Clark wondered if it would be useful to understand where other programs experience in terms of administrative fees, particularly Routt and Gunnison.

John Lavey said Routt in their legislation stipulated 3% of the annual revenues would be put towards these types of administrative purposes. They rarely get up to the point where they use the 3%.

Chairman Martin for clarification, the Routt program is mill levy and not sales tax. That's difference and it's assessed valuation and goes up and down based on assessment and what the revenue is. Sales tax is subject to those who buy and sell commodities other

than real estate. Routt's value is based on the entire County's assessed valuation and more money than the sales tax.

Sher Long asked the potential for other forms of funding that would help out with this program.

Martha said gifts, private industry, private funding sources, etc. People in Colorado have said conservation is their priority so GoCO is very strong.

Drew once more said what you're doing it terrific and what I appreciate the most is the thoroughness and professionalism with the way this group has handled every aspect of this and you are prepared and giving your side as well as it can be given. However, no opinion about what the voters will do.

## **ADJOURNMENT**

**August 7, 2012**

### **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

#### **SPECIAL WORK SESSION – 8:00 a.m.**

##### **a. Grand Avenue Bridge Project Update Tom Newland, Craig Caskill, Joe Elsen**

##### **Attachment Grand Avenue Update**

Joe Elsen with CDOT and the Engineer, Tom Newland Project Resources under Craig and Craig Gaskill Engineer were presented.

Chairman Martin said we're here to talk about the Grand Avenue Bridge.

Joe said the last time we were here we had more alternatives that we currently. We're down to two now and wanted to give the Board a briefing on how we got down to the two and where we go next.

Jim said from the newspaper reports it gave the alternatives, but it is not as simple as that. The alignments are one that follows the existing alignment and then there's an alternative that connects to the Laurel and 6th Street Intersection and each of the alternatives has variations. In looking at the existing alignment, we could build that bridge with a pedestrian bridge in place or move the pedestrian bridge and build a replacement facility that would be attached or separated. Primarily for the reason is it would be aesthetic appropriate and fit into the contract as the new bridge is building built. That would be an option to Alternative 1. Alternative 3, which is the new alignment. Commissioner Jankovsky asked about the replacement facility is still a new bridge and not putting some lanes adjacent to the old bridge.

Joe stated at this point we have screened out the old existing bridge. There are too many problems and by the time we fix all the problems, you can replace the bridge particularly with functionality of the peers. The alternatives are a brand new bridge. And they connect to the downtown on Grand Avenue but it would be a wider bridge primarily because the lanes are very narrow now. It would either connect on the northern side at 6th and Pine or at 6th and Laurel. This is the background.

Tom Newland presented the Power Point and explained the process. This is more of an open discussion and invited questions. The alternatives and variations to those alternatives were explained and shown. Since June, we have done an Independent Peer Review with 7 industry experts and decided on an agreement to bring Alternative 1 and Alternative 3 forward. However, two new alternatives based on further evaluation were screened. We had a booth at Strawberry Days and Farmers Markets where individuals came and asked us questions. Some alterations were done by the Downtown Development Authority (DDA) and we'll show some of those in the presentation. The peer review was a group of outsiders who came in and independently reviewed what had been done to basically look at the alternative process and do their independent evaluation to look at the right alternatives. They reviewed the alternatives to point out things that we may not have seen or things to consider in the future. That was a three and a half day workshop and made a presentation to the working group and basically found that the agreed Alternatives 1 and 3 right alternatives to bring forward. However, they thought there was another alternative that we should consider primarily because of the constructability of it and that would be to build a new bridge on the Colorado Avenue alignment connecting to Laurel based upon the fact that we could build it completely off the line and put all the traffic on the old one. We had looked at that early on but had screened it out because of too many impacts but we did do an additional evaluation based on their recommendations. The project work group felt there were too many impacts with the Colorado alignment and given that there are many new construction techniques to minimize the construction impacts with the replacement of the existing bridge. We are back to the Alternatives 1 and 3 and identify a new intersection type. It's a unique intersection and some of these are built in Utah. We ruled these out as there were many signals, it was confusing, and it didn't improve the overall traffic operations. Most of the peer review committee were engineers so they were looking at the constructability of things, many good ideas we documents for future design. It was good to confirm we were going forward in the right direction. Craig said we were getting our information out to the public at other venues rather than open houses and we did this at the Strawberry Days and as well at all the Farmers Markets. At the Strawberry Days, we talked to 400 people in two days and many stopped by to get information. The same as the downtown markets from 70 to almost 100 people visited our booth and asked questions. It was a good way to get the word out and exposure in the community.

Tom Newland said last week was a joint public meeting with the Downtown Development Authority (DDA) and CDOT, covering three projects. One was the Grand Avenue Bridge and new information on the visualizations and then the Access Control Plan on Hwy 82. That project team came and said they had more input at that meetings than all the others due to the interest. The other one was the DDA Urban Design and gave visual presentations on what downtown might look like if we went through Alternative 3 or even build a new bridge downtown. We have 110 people very engaged and we were amazingly busy. This was held at the Hotel Denver. There will be an open house on August 22 at the Community Center and at that point, we will present to the public those variations and present an evaluation of all of the information to date including the new visualization. There will be more on the bicycle/pedestrian connection, more economic development information and traffic simulations. We will try to get input

so the project working teams can get input on the various alignments and make recommendations on Alternate 1 or 3 as the next step. There will be a public workshop on August 31 where we will show visual simulations showing the scale of the alternative bridge alignments. Tom showed the visual simulations to the Board. The next steps would be public input on the remaining alignment alternatives in August. The preferred alignment in late August or early September. The bridge type, construction phasing and public input in September through December. The agency review of the EA in the spring 2013 and then a public hearing and public/agency review in March and April 2013. The decision document in April through October 2013 and the design will take approximately 1 year so the project itself would start in 2014.

**b. 9:00 a.m. CCOERA Presentation - Jake Kuijper**

Jacob (Jake) P. Kuijper, Executive Director of CCOERA Retirement Plan presented a booklet that explained what makes CCOERA unique including the plan highlights and enhancements, current products and services and the CCOERA advantage. He included the Garfield County Plan facts and trends, individual participant service, service strategy for Garfield County employees ending in questions and answers. What makes CCOERA unique is the quality of products and services. The Book Value Fund current yield of @.52% and 3.95% the last 5 years. Custom Pension Portfolios, Select Mutual Funds, Self-Directed Brokerage Account (Schwab-Individual Stock and Most Fund options, Web site account access and tracking and high quality educational seminars.

The reason costs are low is because CCOERA is a non-profit retirement association that does not pay dividends, non profit sharing, now employee bonuses/commissioner, annual budget is based on a .25% administration fee, which is eliminated on the amount of combined account balances that exceed \$200,000. The non-profit aspects means savings are passed on to all CCOERA participants thereby allowing reducing fees when possible.

CCOREA has experienced retirement counselors collectively over 100 years of experience in the retirement and investment services industry and offer opportunity to review investments and retirement goals, focus on individual counseling as well as educational meetings on retirement and investing and employer service plans are designed to fit each employer's unique service needs and requests. Jake continued to review what investors should do now and that is to develop a healthy perspective on the markets, avoid letting emotions adversely affect your investment decisions, don't attempt to Time the Market, utilize dollar-cost averaging and portfolio rebalancing strategies, review investment objects and understand portfolio allocations. You can contract your CCOERA Client Services representative for questions.

As of June 29, 2012 Garfield County 401a Asset Allocation total assets \$18,378,591 and the Garfield County 457 Asset allocation total assets were \$2,618,674 for the same period.

**c. 10:00 a.m. Mesa Vista Assisted Living Residence in Battlement Mesa and the USDA Rural Development financing issues - Teri Whelan, Senior Housing Options**

Chairman Martin noted that two other Commissioners were with him when we started this Marian Smith and Larry McCown.

Teri said Chairman Martin put the first \$100 bill on our tree for landscaping.

Chairman Martin said when we stated the project, we were going to feed that tree and make it grow. I think we were successful on that dream.

Chuck Hall, Battlement Mesa President of the Mesa Vista Board of Directors, Teri Whelan, Executive Director of Senior Housing Options, Inc which is the agent for the entity, Scott Saunders the administrator of Mesa Vista Hall, Mark Sheppler with Senior Options Director of Facilities Maintenance, Kathy Waters Director to the Assisted Living people for Senior Options, Dick Smith Vice President of the Mesa Vista Board, Kathy Travon Community Liaison for Mesa Vista, Roberta Watkins board member, Kathy James with the board, and Judy Martin Senior Options.

Teri Whelan gave a presentation and thanked Mike Samson for putting this together. As you know, we have a long-standing history of Mesa Vista, which opened in November of 1999 so we're entering the 13th year. This project was put together as a National Prototype called the "Coming Home Program" which was in tandem with Robert Wood Johnson Foundation and National Cooperative Bank and Colorado was one of five states that was awarded funds to do rural assisted living. At that time financing was put together with Rural Economic Development, CGB dollars and the National Cooperative Bank. We had a lot of money with donated land from the Battlement Mesa residents of Battlement Mesa Company. At that time, we had plans to be the only game in town within 6-weeks of breaking ground Crossroads in Rifle also broke ground and neither of the projected needs in the community were addressed at the same time. There was supposed to be 32 beds in the entire county and we ended up with more than 50 almost 60 beds; so we've never achieved occupancy. The property has struggled on and off forever. Right now, Senior Housing Options has 15 properties that we owner/manage and one board of directors, the same as the other entities that we own. At this time, that Board of Directors it's considered Battlement Mesa Residence Inc holds the current mortgage on that entity and who we are. This current board here represents the initial community advisory committee required by Rural Development to make sure it was being treated as a community asset and we were welcomed into the community. We never came into this community asking to build a business rather to be asked to serve the need within the community. This is the difference in why we are there and how we got into this situation. She submitted a handout showing the program. This new Board of Directors has a burden and also have three members on the Senior Housing Options Board in this workout agreement there were some restrictions and the makeup of the request of how we're going to move forward.

The census trend that goes back to 2008 is probably where you can see how we have with the turn of since 2008 where things have gone and where things have changed. We have not had any sustainable occupancy since we opened. About three years ago, we started talking about reducing the number of beds from 40 to 32, it's a 40-bed facility and it's licensed for 45 people. We're predicating the budget at this point on 32 units based on a staffing ratio that you have to for the nursing licensure. As you see, we've not even broken the 30 mark in the last year and a half. It's been hovering in the 24 to

28 beds. That is not cash flow and does not make a mortgage payment. In the last 6-years, we have been what is called the workout with Rural Development and they had let it be a surplus cash note and we have made payments as we have had them. Current payments were in the \$12,500 range. About 9-months ago, they came to us and said we want to get this thing square and get it off the books and a decision needs to be made of what we're going to do with it. We've been doing this for about 6-years and it's not working out very well. We had an appraisal done but Teri did not have it yet. They substantially looked at income replacement, some specific things at their costs and came up with a value of less than \$1 million dollars. The current debt on the building is \$3,237,665.00 as show on the last page of the handout. With all of that coming down that reduced the mortgage payment from \$12,000 to like \$3900 a month and we still have had a tough time this last 9-months making that payment. The financial situation was bleak. When they came after the appraisal, they said what we're willing to do, not reduce the debt and do what they consider a transfer of physical assets. In that, they required us to have a new Board of Directors and a new ownership entity. That's where we came in to form this new Board about 6-months ago and have registered the Articles of Incorporation and have not moved forward yet because the Rural Development put the brakes on last month and said, this thing is still not cash flowing and yes we've made these \$3900 dollar a month payments for the last 9-months; however, Senior Housing Options have been carrying it and we have put the cash in and not paying ourselves. Right now, there is a debt to Senior Housing Options of about \$53,000 as shown on the last sheet of the handout. They said what are you going to do if your Board of Directors isn't going to make up the cash, so we're trying to come up with ideas, met and asked Judy where are the issues and if you look at the census trend, there are some budgets. We have been experiencing a 13% vacancy and there are two financials that project a 5% vacancy and a 10% vacancy. The 5% vacancy should cash flow about \$16,000 a year. That's not a big margin but it is very skinny, we're very concerned about it and however, even with the 5% vacancy if we were to stay full there is an optional huge chunk of change. It's \$40,000 if you have full occupancy. I've been with Senior Options for going on 24 years, we have 15 properties, and we have success in all of them in light of the market and being up here it's a very difficult situation with what's going on in Rifle, Battlement and Parachute. We asked to talk to Mike and this Board because Rural Development has put the brakes on this thing until we figure out what we're going to be able to do with the regional office in DC and say, we really think this is going to work. The community knows that it's a vital asset and no one wants to see it go away and we're just exploring every and any opportunity to keep the building going as Assisted Living, Senior Housing Options is totally invested and committed to wanting to be the manager agent. The local community has 2/3rds voting power and 1/3 from the Senior Housing Options Board so they could always override or have that entity changed. Rural Development because they've been willing to work with us has looked at all these programs across the country and said we've looked at our numbers and comparables and thought we were doing a good job with what we have and therefore didn't ask that it be sold outright or take us away as the management agent. Commissioner Jankovsky said in March of 2012 you lost \$2500 and asked if the \$3900 mortgage payment was in here on the last page. Teri said the May actual shows the mortgage.

Commissioner Jankovsky said in May you lost \$400. My question to Teri is you don't have to pay a mortgage, does it work.

Teri said we could probably make it work without a mortgage.

Commissioner Jankovsky said you have a workout where you're down to \$1 million dollars.

Teri said to eliminate the debt is part of the conversation. They are reducing the debt to \$2,247,655.00. We are in arrears on the loan of \$439,565.00 of deferred interest on the loan. The current balance on the mortgage is \$2.8 million. The audit is the next thing. The deferred interest and the balance makes the \$3,237,655.00. The new loan is in that \$990,000 range so the total reduction and an estimate is over \$2.2 million. Drew asked the new entity Mesa Vista Residence Inc is Mesa Vista Assisted Living residents are the only asset.

Teri said yes.

Drew asked if Mesa Vista Residents Inc a for profit entity.

Teri said no, it's all non-profit.

Chairman Martin said that's the way it was originally set up.

Commissioner Jankovsky said if you pay off the \$990,000 they are going to forgive the rest of your debt plus interest. Correct?

Chairman Martin said at that time it starts to operate in the black because of the residents and the real challenge comes to the Board to make sure it stays in the black instead of sinking based on income and expenses. That is the ultimate, to do that so you could be out of debt. That's what this group wants. This is one of the facilities that is a true asset to the Senior Programs as well, it houses at least 28.

Teri said we have the capacity for 45.

Chairman Martin said 32 is what you want because of staffing, etc. That's what we looked at previously with the ability to take in more if you had to.

Chuck said during the boom time they tried to rent places out and do additional things to allow them to get extra money and it was not something that could be done based on the senior people versus the non-senior people in the facility.

Commissioner Jankovsky asked if the community has the number of people in Battlement that will need this type of assisted living to keep it at 32, or is that number going to continue to drop.

Chuck said at the last census you're looking at a community that was 30% 60 35% seniors and the population is there, Scott works hard to make sure he can bring in as many people as possible and in the last cycle they brought four in but lost two. He keeps working on the process to...

Scott said he casts his net very wide, Parachute, Battlement Mesa and he expands as far as needed to go. DeBeque and some from the lower valley of Grand Junction. The vast majority of our residents are in-between DeBeque and New Castle. If the family member is out of state, if the resident isn't local I have a family member who brings the senior in and the kids are here in Garfield County.

Teri said Kathy went through that yesterday to see where the tenants are from because Mike asked us that question.

Kathy said about 80% are from this area in the valley Grand Junction to Glenwood, 20 out of 30 were from Battlement Mesa to Glenwood and the west part of the County.



Chairman Martin said some of your competition is going west which is going to take some of your folks to Grand Junction. That has been a real problem too.

The other thing to help in the marketability before we go too far down this road, if we can't make it work with this, then what are we trying to do. They are doing the clinic across the street so we have more medical services coming in that will anchor people feeling more confident to live in the area because they know they will have medical facilities available. We did buy a bus in the last several years and we've things to enhance the marketability of the property. We feel there is about \$200,000 of deferred maintenance. In the new budgets, we projected another \$1000 for capital to just keep maintaining things at this point. It still looks great and we have some roof damage, need carpets, and have some dollars we were going to put for grants as a non-profit entity and are capable of going out for grant dollars. This is an opportunity that feels like. Commissioner Jankovsky said you hit that on the head, you have an opportunity here and we need to figure out how to seize it before someone comes in and takes over the facility and it becomes for profit. Are there grants out there matching dollars that can be somebody like Garfield County to come in and if so we could perhaps come up with matching dollars. Is that opportunity out there from the government, other government entities?

Teri - Not on debt is would be on the capital improvements. I've talked to the Division of Housing, Bill Whaley is retiring the end of this month and I will talk to Pat Coyle at the Division of Housing, they would be able to do some grant dollars but can't forgive debt. Commissioner Jankovsky asked if there were funds from the private sector from large companies like oil and gas companies are not doing as well as they were during previous years but they are still continuing to...

Chuck said in the past Mesa Vista has received grants from energy companies and activities, the bus was purchased by EnCana...

Scott - No, we bought the bus but they put a supplement for the cost of the fuel and repairs. We've maintained a good relationship with EnCana for the last 3 to 4 years. They will give us some money for gas but it's small chunks at a time.

Chuck said anytime we see a grant available we pursue it. We sure try.

Commissioner Jankovsky said there's an opportunity here and the fact that they have worked this down to 33% of the cost, there is an opportunity and we need to figure out how to take advantage of that and didn't know what this Board's feeling are on this and don't know legally what we can and cannot do. It's still \$1 million dollars.

Drew - Commissioners it will turn in part on the legal ability to grant and particularly for this purpose. This is not a capital asset, its debt forgiveness and in that respect, I think it's a question of first impression. So, we'll have to look at it.

Commissioner Jankovsky said we're not at a perfect opportunity to bail out everybody in the county but at the same time this is an opportunity since the \$3 million as well as your interest has been dropped, it's an asset for the community.

Chairman Martin said we've been tied to this project from the very inception, we are part of this project and...

Commissioner Jankovsky asked how we are part of this project.

Chairman Martin said the county sponsored it with CGB funds.

Teri - There is so much investment in this I think if there's an ownership entity maybe the County is going to take ownership of the property and we manage it.

Chairman Martin said that's a concept but I like it the way it is now with the Board of Directors. I don't want to be in that business.

Teri thinks they are open to whatever the legal ramifications need to be.

Commissioner Jankovsky said we've had discussions about the county owning a senior center in Glenwood Springs but this is different.

Chairman Martin said it would be different because it's assisted living and individual living facility, which is more intense than having a senior center, which has Judy at the helm and doing daily activities and nutritional programs, etc. It's all self-contained, it is a community and so we have to look at those issues.

Drew said it's an industry and respectfully this is different in kind and the county is not an owner or part owner, the county has not been involved other than the community block grant funding.

Chairman Martin said we had to be a sponsor and be the individual government that came forward to get the grant to pass it on. Then there were certain obligations that had to be fulfilled after that grant, it's in jeopardy right now.

Drew - Commissioners, occupancy under 30 much less the 32 target has been under 30 for almost 18 months and that's a consideration. The position of other non-profits, the position of other assisted living facilities in the county, those are all considerations but the big one is your legal ability to use general fund dollars or any other dollars for this purpose is one of the keys to it. I'd rather be frank about all these issues now than to wait and the commissioners want to help whether they have a legal ability to help is a different questions. Even if they have the legal ability to help, how to help because those are all questions and my job is to point that out.

Commissioner Jankovsky said you have to look at net opportunities and income at where they are right now and that's almost \$4800. That's May 12 actual, you take out eh \$3900 and take out the \$1300 replacement reserve and you have a cash flow of \$4800. Drew said he's not aware of the county's statutory ability to grant, you don't have the ability to loan.

Commissioner Jankovsky said no we're not in the position where we're talking about loans.

Drew said he's not aware of the ability to grant and I think the county enters what we call grant agreements for services back to the county that are of public nature and so we've given through the years for economic development purposes or assisting smaller non-profits in this or that and that passes legal scrutiny on the basis of public service, we need to make sure every course you take is lawful.

Chairman Martin said he thinks we need to sit down with Teri, Drew and Carey and a member of this board to see what kind of an approach we can do legally if we're willing to do it and offer it in public session so we can move forward and make a public announcement on how we can approach this challenge. It is a challenge for us.

Teri said we have investigated about putting an adult program in the program, having a meal site at the program. There are other services that could be utilized in that space however, we haven't had the income or the staff to generate anything more and yet we've had conversations and really looked at the feasibility of needs in the community to meet in that building. I don't know if there are other ways we can address those. We are exploring all these ideas and options and aware of the situation.

Commissioner Jankovsky thinks Drew when we do Human Service grants to this extend but we do provide Human Service grants to other Human Service agencies that are providing something for the community that we don't do as a county or supplementing something we do as a county and we do provide a budget and have an entire program for senior services so there is an opportunity to explore this.

Drew - Commissioners, the Human Service Commission grants are funding by a portion of a 1/4 cent sales tax voted on by the citizens for that purpose. It's a dedicated sales tax. Similarly the grants that we have made through the oil and gas mitigation fund to the City of Rifle, Silt, Parachute and others not ad valorem, not sales tax, you're spending those consistent with your statutory purposes so I simply say that the oil and gas mitigation fund I do not believe would be available for this purpose.

Commissioner Jankovsky said this is a community that has been highly impacted by oil and gas so there may be a question there.

Drew - If you bought the building could you use oil and gas mitigation funds to buy a building and make it a public building, yes you could. But the issue of debt forgiveness outright with nothing in exchange from the general fund for example I don't see that. Commissioner Jankovsky so maybe that is the direction it goes as a senior center type thing where we might purchase a building for a senior center but then somebody else might operate it.

Chairman Martin said you could have them manage it based upon an agreement which then keeps up the original grant goal and that is to create an assisted or individual living facility managed by a certain non-profit cooperation.

Carey wanted to chime in, a lot of the threshold questions you're hearing today are legal in nature and I am not in a position to opine yet on how to make this move forward in a legal manner. I would certainly appreciate time to explore what the county's options are and do some additional investigation on the power to grant especially when you're dealing with a unique situation covering debt. It's not something I've seen before and not something I want to speculate on how we can go about doing it but would appreciate some time.

Chairman Martin said that's where we are and need to have a sit down and look at the legal ramifications with Carey, Drew, Teri, Chuck and everybody that's involved and a member of this board as it because a working team to see if we can solve the issue and present a couple of different solutions in a public meeting and make a decision one way or the other. At least we're working and trying to get it done. These guys are working against the clock in reference to existence.

Teri said Rural Development is in the same thing, as they've never done anything like this before. It comes down to if you are going to break 50 cents on the dollar and sell it to somebody else when we have all this support behind it. We've stepped over that level at the federal level to even have them entertain this to get it to this point. I appreciate and there's lots of doors we may look outside the box to make this work.

Commissioner Samson said that was my question Teri and all your experience in dealing with this and never has seen a situation quite like this. We are going to be reinventing the wheel here in trying to put the pieces together to make this work.

Teri - Any one of the buildings that we've ever owned we have had unique financing whether it's federal grant dollars, all different pots of money to come up with a bottom line, I've never seen this kind, they keep saying don't keep saying debt forgiveness, it's

transfer of physical assets. They can do it legally by not reducing it to us but they said okay you can have 3 board members on there and we still want you to be involved but they did say we needed to do this physical transfer of assets. That's where the new board came in. At that point, the asset needs to be split. We're very open.

Chairman Martin said that's why we call it long-term obligations instead of debt, that's the other reason because of the terminology.

Commissioner Samson is willing to volunteer to serve on this committee.

Chairman Martin is proud of you Mike for volunteering and Teri and I have been on this since 1997. We turned the first shovel of dirt.

Teri said personally opened Castle Creek Terrace in Aspen; we were the developer for that building and stayed on site for the first month. I'm familiar with the community and the programming.

Chairman Martin said we are going to sit together, Mr. Samson will be the point person, we're going to deal with Carey and Drew and you'll need to get one or two people that you need to be involved with, schedule some kind of sit down so we can get things rolling and we can identify that as soon as possible. That's the game plan.

Commissioner Jankovsky had one more thing to say and both Commissioner Samson and Commissioner Martin have been champions of senior services during their terms and Commissioner Martin because of his longevity here had a lot to do with senior services and senior issues in Garfield County and his stake in that along with veteran issues as well to heart and has made sure they stay in the forefront and just wanted to bring that to the table.

Chairman Martin said we have to take of these folks and we take pride in them.

Identities have to remain there and we can't take that away from them. That's what this facility is for assisted and individual living and to keep their self worth, that's extremely important to our seniors.

Commissioner Samson said we'll work hard for a good solution.

**August 6, 2012**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**[ROLL CALL - 8:00 a.m.](#)**

**[PLEDGE OF ALLEGIANCE](#)**

**[INVOCATION](#)**

**[PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA - 8:05 a.m.](#)**

**REGULAR WORK SESSION:**

**1. [County Sheriff Update: Lou Vallario](#)**

Lou - Tomorrow night is the annual national night out event. This event goes across the country; it is a night against crime. Everyone supports reducing crime and law

enforcement. He believes the City of Glenwood will do as they have in the past. His office will be in Battlement Mesa at the shopping center from 4:00 - 8:00 p.m. Fire danger; he has taken off the fire bans, both federal agencies and himself, which is subject to change. In Garfield County, they have the international fire code, which requires all open burning to have a permit. They won't be issuing permits until Labor day. Charcoal grills and gas grills may be used. School resource officer program; because of budget restraints within the school districts, they were unable to match the obligation. Lou wants to continue this program they are finalizing an agreement. It's more of an IGA; it is not a contract any more since there is no exchange of money. They are good to go.  
Drew - The resource officer will be the sheriff's employee and the agreement is between the sheriff and the school district.

## **2. Clerk & Recorder Update: Jean Alberico**

### **a. Resolution authorizing the County Clerk to have the Clerk's office open only for recording and election purposes on Tuesday November 6, 2012**

#### **Attachment Resolution Gen.Elec.Closing**

Jean is encouraging county employees to be election judges and get their names to her for training.

Commissioner Samson - I would move that we pass the resolution concerned with the request to close the County Clerk's office in Glenwood Springs and Rifle for the general election to be held on Tuesday, November 6, 2012.

Commissioner Jankovsky - It will be open for recording and election purposes, second.

Jean - Essentially, she is telling people they cannot get their license plates, stickers, birth certificate or a marriage license on that day. Election purposes at Rifle only and in Glenwood the recording department will remain open.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

### **b. Approval of six combined polling locations for the November 6, 2012 General Election**

#### **Attachment Garfield County Polling Places 2012**

Jean - The only one changed, for a number of years they had one combined polling location except Rifle because there was not a space big enough. It did cause problems as people showed up at the wrong place. Her staff looked at the fairground and it meets all their needs and ADA requirements.

Commissioner Samson - I would move that we approve the Garfield County combined polling places for November 6, 2012 as outlined by the clerk.

Commissioner Jankovsky - I'll second that, I just have a question. Jean, you split precinct 18 between Silt and New Castle, is that correct.

Jean - We do, this came from the re-districting in 2000 where they put this precinct that basically had no public buildings. About a third of the people traditionally voted in New Castle and the other two thirds were north of Silt. They've been doing that since 2000 allowing them to choose which ever is the most convenient place for them to vote.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**c. Request for issuance of a temporary liquor license and to set a date for a public hearing for the transfer of ownership from Rainbow Hospitality Inc dba Sunlight Mountain Inn to Ryon Resorts, Inc dba Sunlight Mountain Inn - Applicants are Clayton and Katrina Ryon**

**Attachment Temp.Liquor License Ryon Resorts**

Katrina Ryon was present.

Jean - The Ryon's would like the liquor license currently being held by Rainbow Hospitality Inc. dba as Sunlight Mountain Inn to be transferred to Ryon Resorts Inc who will be doing business as Sunlight Mountain Inn. The first step of the process is that they are here today to ask for the issuance of a temporary liquor license and also asking the Board of County Commissioners to set a date for their public hearing. Jean has received a complete and total application with payment of all fees from Ryon Resorts Inc.

Commissioner Jankovsky asked Jean if she had a recommendation for the hearing date.

Jean - If possible, the hearing date cannot be less than 30 days from when the application was submitted in full. She received it on the 31st and they can do either September 3 or 10th.

Carey - It would actually be the fourth.

Commissioner Jankovsky - I'll make a motion that we approve a temporary liquor license and set the date for September 4th for the transfer of ownership from Rainbow Hospitality to Ryon Resorts for the liquor license at Sunlight Mountain Inn.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**3. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner**

or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.

- a. **Approve Bills**
- b. **Wire Transfers**
- c. **Changes to prior Warrant List**
- d. **Interfund Reimbursement Request**
- e. **Authorize the Chairman to sign a Resolution of approval and a Land Use Change Permit for an amendment to the North Bank Gravel Pit located 2.2 miles east of the Town of Rifle. Applicant is Lafarge West, Inc. for North Bank Holdings, LLC. - Kathy Eastley**

[attachment North Bank Reso & Permit](#)

- f. **Authorize the Chairman to sign a Resolution of Approval for a Land Use Change Permit for a Limited Impact Review of a Material Handling - Water Impoundment Facility, known as the Hunter Mesa Ponds Water Storage Project, located approximately 5.4 miles southeast of the City of Rifle, off of County Road 319. Applicant is Benzel Land LLLP - Glenn Hartmann**

[attachment Benzel Hunter Mesa Water Resolution](#)

- g. **Authorize the Chairman to sign a resolution memorializing the public hearing and decision regarding a request for the Mt. Callahan Communication Facility located on OXY USA WTP LP land accessed from Logan Wash and located approximately 3.5 miles west of the Town of Parachute - Molly Orkild-Larson**

[attachment Mt Callahan Communication Facility Reso & Permit](#)

- h. **Authorize the Chairman to sign a Land Use Change Permit for Mt. Callahan Communication Facility located on OXY USA WTP LP land accessed from Logan Wash and located approximately 3.5 miles west of the Town of Parachute - Molly Orkild-Larson**

[attachment Mt Callahan Communication Facility Reso & Permit](#)

- i. **Approval of and authorization for the Chair to sign an agreement with MKK Consulting Engineers, Inc.?Gene Duran**

[attachment MKK consent](#)

\ Chairman Martin - Do I have a motion to approve the consent agenda?  
Commissioner Samson - I would so move.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

#### **4. County Manager Update: Andrew Gorgey**

Drew - Some preliminary matters; at staffs request, they are asking that 4a Roman II regarding payoff of the pay off the 2006 certificates of participation be continued to 1:00 p.m.

None of the commissioners had an objection.

Drew - Second is an announcement he knows they will cover in the calendar portion of the afternoon meeting; reminding citizens that August 23rd, which is a Thursday, is the date for the town hall meeting with the Town Council for the Town of Parachute and that meeting will begin at 6:00 p.m. From 6:00 to 7:00 p.m., a joint work session with their Town Council followed by a town hall meeting from 7:00 to 8:30 p.m. It is located in the Battlement Mesa Activity Center, 398 Arroyo Drive. This was advertised in the relevant local media. The last item refers to a letter the board had previously sent to the River Conservation District requesting to effectively be put in line for water rights from the Rudi Reservoir. There were 19,585-acre feet available through the Colorado River Water Conservation District. The total requests exceeded the available supply. they received over 27,000-acre feet and what counsel for the River District has done is working with everyone who requested, tried to accommodate those with the smallest requests first. Garfield County falls into a group of a larger request or anything 1,000-acre feet and over. Having satisfied all the local municipalities and their requests, they basically have divided up the balance proportionately and what the pro rata reduction to Garfield County's request is they would be going from 1,000-acre feet to 683.8-acre feet. He just needs their direction not so much a motion as to if that is okay and they have a questionnaire to fill out. If staff could do that on the board's behalf and then present it to the chair for signature he would appreciate that. It really falls under their earlier motion if they want to make a separate motion.

Chairman Martin - Any comment or direction?

Commissioner Samson thinks they should get what they can.

Commissioner Jankovsky thinks they need to buy the 683.80.

Drew - Those numbers may adjust as these requests are actually processed. The ultimate decision is the Bureau of Reclamation.

Commissioner Jankovsky thinks this help protect the future with water rights. It keeps western slope water on the western slope.

Drew - I have your direction to proceed as asked.

Chairman Martin - Yes.

#### **a. Public Meetings:**



**i. 2013 Holiday Calendar - Katherine Ross**

**Attachment Holidays**

Katherine - Every year she comes before the board to have them determine and approve the next year's holiday calendar. They make sure they are aligned with the personnel policies and procedure manual. She also pulls what the feds typically do. It will be included in the budget process and that is why they are presenting so early. Commissioner Samson looked at it as exactly how it should be.

Commissioner Samson - I would move that we approve the 2013 holiday calendar as presented.

Commissioner Jankovsky - Second but I would like some discussion. I hate the way these holidays fall on Wednesdays. We just had that with Fourth of July. Effectively if we closed down the 24th, 25th which is a Tuesday/Wednesday; we might as well be closed on the 23rd. I'm talking about Christmas. Christmas falls on a Wednesday we will have less than half of our staff here on that Monday the 23rd because they'll all take a vacation day so they can get a long weekend, which I don't really mind that. There will be minimal staff on the 23rd.

Commissioner Samson - I think we should probably ask Jean. I know that what was it two or three years ago we had that situation and I said let's give them an extra day. How does that work out for your staff?

Jean - They would definitely love to have that longer weekend but for just the process and what needs to be done in my office. If a handful of people take a paid day off but it would make things difficult for documents needing to be recorded because often times near the end of the year there are transfers that need to be done. It's not so crucial this week around Christmas; it's more around New Years. And we are not talking about any extra time there, just New Years day.

Katherine - In 2013, it's a Tuesday so there would be a Monday of 2012 that would be a workday.

Jean - We'll pay for it because we probably have the most public.

Commissioner Jankovsky - I'm looking at December 2012 and Wednesday the first would be holiday as well, which really gives us two weeks in a row with holidays dead in the middle of the week.

Commissioner Samson - Does that create, talking to Jean, a hassle for people who need to get things done through your office, the public if they don't get it done Friday the 21st they wouldn't be able to get it done until Thursday the 26th.

Jean - That could make things difficult for people who have temporary permits that expire. The state did with their exemptions take that into effect if the county offices closed then it wouldn't trigger the late fee if they didn't get in. Otherwise, they would have a \$25.00 late fee if they let their temporary expire or didn't get their vehicle registered on time.

Commissioner Samson - So do you have a recommendation?

Jean - My preference is you go with the calendar Katherine suggested and let the departments deal with staffing on that Monday.

Commissioner Samson - Drew, do you feel the same way.

Drew - Well I do. The saying among employees is the short weeks are always the longest; they just end up doing more on the days they are here. While it's true there are persons who will take off December 23rd, a Monday and have five days off in a row, there are those who work that day save their vacation for another time and access to the public remains open. I think these things work out and this year is inconvenient and next year less so and one of those years you'll hit it just right where the 24th and 25th are a Thursday and a Friday. I would take a moment just to say thank you to the three of you because not all counties allow county staff to have off the day after thanksgiving. They insist that everybody work that day and not all counties allow a second day for Christmas. We really appreciate that it's makes a big difference in morale.

Commissioner Jankovsky - I'm okay with it; I just wanted some discussion on it.

Jean - And both Georgia and Lou are here if they want to weigh in.

Lou - We're always open it really doesn't matter. Of course, you know our deputies are on a different schedule with the 28-day pay period. They take holidays different than other people have. It's really not an issue. And as far as the staff; I agree if we leave the calendar the way it is set we all have the opportunity to say so home early or a skeleton crew or something. Again 50% of the staff will take vacation because they want the long period of time and the other half will save it for another day. We'll have the doors open.

Georgia - I agree with the other elected officials and the county manager that it's probably appropriate to keep the county open on Monday of that week.

MOTION

Commissioner  
Mike Samson

SECONDER

Commissioner  
Tom Jankovsky

VOTE

UNA by roll call vote

**ii. Pay-off COPS 2006 - Ann Driggers**

[Attachment COPS 2006 Payoff Staff memo](#)

Continued until 1:00 p.m.

**iii. Consideration/authorization for Chair to sign FAA Certificate of Title re: Baron Lane/Levinson**

[Attachment-Baron Lane FAA Cert of Title](#)

Carey - Her office continues to work with Brian Condie and the airport subcontractors to close out some FAA required projects. Today they have a certificate of title; Carolyn Dahlgren has gone through the entire title search for one of the parcels depicted in Exhibit A. Based upon the title search they have identified the county is owner in fee subject to certain encumbrances outlined in schedule B; however, none of those encumbrances affects airport operations and would not impact the FAA approval. They are requesting signature and it is based upon advice from your Assistant/Deputy County Attorney Carolyn Dahlgren, they are safe to sign this document.

Commissioner Jankovsky felt it looked like they just owned the runway; is that correct?

Carey - There is more than that. There are several different Federal project AIP process; this one is one of the specific components of that and one of the closeouts is to identify ownership of the parcels that have been highlighted in color. It's not intended to be a complete picture of the county's ownership; it's just the outstanding items that need to be completed or closeout of this particular project by the end of the year.

Commissioner Jankovsky - I'll make a motion that we allow the chair to sign the certificate of title for parcel 17 as presented for the Garfield County Airport.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

**iv. Consideration of a resolution adopting the Garfield County Multi-Jurisdictional Natural Hazard Mitigation Plan and direction to the Chairman to sign the letter of promulgation for the Integrated Emergency Management Plans and Continuity Framework - Betsy Suerth and Tamra Allen**

[Attachment MJNHMP BOCCAdoptionMemo](#)

[Attachment Natural Hazard Mitigation Plan](#)

Tamara and Betsy gave a power point presentation.

Tamara - What they have been working towards is building an integrated emergency management system for the county. The board saw a similar presentation in March. The intent is to develop a system where they recover quickly. This plan is evaluated every 5 years per FEMA.

Betsy continued the presentation. The county manager oversees this plan.

Commissioner Jankovsky asked Tamara to talk about mitigation. In every community, there are homes that are built back up in the forest and are very vulnerable. Is there any action on the part of the county or the fire departments to actually talk to and educate homeowners?

Tamara can't speak to what the educational outreach the fire district do. But in the county building and planning office they have a variety of materials that talk about the wildland urban interface that is available to people. They do have information available if they are building in that type of setting.

Chairman Martin - There is a program used by the fire district and the sheriff called Fire Wise. He explained.

Drew visited El Paso County after the Waldo Canyon fire. The consensus with regard to mitigation was that in the main part of the fire there is really no mitigation effort that would save it. But for home on the fringe, mitigation was the difference between saving a structure and losing it. What he would suggest, the annual review of these plans they have been trying to take a comprehensive look at all of the safety and emergency response outlets. The safety public council meets on a monthly basis to talk about

safety issues. He suggests they try to plan for some sort of public education next spring.

Chairman Martin - Action today is to do a letter, which is supplied.

Tamara - Two pieces of potential action; one is the adoption via resolution as well as signing of the letter.

Commissioner Jankovsky - I'll make a motion that we approve the resolution adopting the Garfield County multijurisdictional natural hazard mitigation plan and allow the chair to sign the letter of promulgation for the integrated emergency management plans and continuity framework.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**v. Recommendation to award a contract to Dale's Quality Construction Services, LLC for the completion of the 7th Street Pocket Park - Randy Withee and Jamaica Watts**

**Attachment Pocket Park**

Drew wanted to congratulate Betsy, Randy, and Jeff on two time sensitive requests of the board. One was the fans for the arena and also the coming recycle facility in collaboration with the City of Rifle recently opened.

Jamaica - This was posted July 13th and they received two bids. Dale's was found to be the lowest and they are asking to award the contract in the amount not-to-exceed \$48,899.54.

Leslie explained how the work was being done. They will provide volunteers to do the work and the county will provide the materials with a budget of \$7,040.00. Good news is they could be done in six weeks.

Randy went over what all they were getting with this project.

Drew wanted to remind the public the ownership of the parking lot is 75% county and 25% city. More specifically the county owns 100% of half of it and half of the other half. He wanted to remind the commissioners that the agreement for ongoing maintenance is still under negotiation with the city. Second, he wanted to make sure Leslie was aware of tomorrow's presentation regarding the bridge.

Leslie will be there.

Commissioner Samson - I would move that we would approve the award of a contract to Dales Quality Construction Services, LLC in the amount not-to-exceed \$48,899.54 to complete the construction of the 7th Street pocket park and authorize the chair to sign such.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**5. County Attorney Update: Carey Gagnon**

**a. Consideration/approval of Resolution Approving 2012 List of Arbitrators for Property Valuation Appeals**

**Attachment Reso Approving Arbitrators**

Carey - They should recall that one of the appeals avenues for petitions who were dissatisfied with decisions made by the BOE is to go to arbitration. What the counties do every year is to compile a list of folks who are qualified under state law to serve in that capacity. In the event that any of our petitioners would like to use our arbitration then those individuals are available. The board has today two individuals who have met the qualifications, expressed a willingness to serve again this year, and are the same folks as last year. Carey explained how they obtain these arbitrators and they are paid a nominal fee.

Commissioner Samson - I would move that we pass the resolution approving the 2012 list of arbitrators for property valuation appeals as presented and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**b. Public Hearing by the Board sitting as Medical Marijuana Local Licensing Authority**

**i. Consider request for Local Verification for OPCO operated by Green Natural Solutions, Inc.**

**Attachment Green Natural Solutions Med.Marij.**

Carey asked that the BOCC convened as the local licensing authority for medical marijuana. This is a public hearing and is the first local verification process since the board adopted a local verification resolution effective July 1st. This is part of the local requirements that the county has created in response to statutory requirements that the board reviews and signs off on approval for a state license optional premises operations within unincorporated Garfield County.

A motion was made to Commissioner Jankovsky - I'll make a motion that we convene as the local licensing authority for medical marijuana.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Shalynn Hofert owner of Green Natural Solutions was present.

Carey - There is a slightly modified notification requirement. Pursuant to statutes and the county's own resolution the two types of notification is it must be published in a newspaper of general circulation not less than 10 days before the hearing and posting of notice on the property in a manner that is plainly visible to the general public.

Chairman Martin - Swore in the speakers.

Carey - Based upon the applicants testimony and the exhibits submitted in her application; Carey believes the applicant has complied with the statutory notice requirements.

Chairman Martin accepted the notification into the record.

Commissioner Jankovsky would like to take each location one at a time not as one application.

Carey did not have a presentation, as this is a new process. She would remind them their role as the local licensing authority is to make two determinations for each of these OPC's. The first finding they will need to make is that the OPC, or the grow op, will comply with the minimum state licensing standards. The county did not adopt any local licensing standards and instead have deferred to the state licensing requirements as the county's minimum standard. The board would have to make a finding that the OPC would comply with state minimum licensing requirements. They would also need to make a finding that the OPC, because these appear to be existing operations, was in operation in unincorporated Garfield County prior to implementation of the county's moratorium. So before June 21, 2010. If this is not a new operation and they find there insufficient information to support that finding then the applicant would have to demonstrate that they can meet the local land use requirements.

Commissioner Jankovsky - If they don't go to the second finding prior to 6/21 then we would go to the local land use code?

Carey - Correct. If they were not operating in unincorporated Garfield County prior to the moratorium then they are not considered an existing operation. All new operations who came into effect after the moratorium must comply with the unified land use resolution.

Commissioner Samson wanted to make sure everyone was clear in the audience.

Those are the two things this board does as Carey outlined. We, as a county, do not license. They will not be issuing any license for this. They have to do those two findings and then send on to state who issues the license.

Carey - Absolutely correct! To keep that in context they are sitting as the local licensing authority by requirement of state law. This is mandatory that they do this. It is the last part of the state licensing process. Applicants must receive a local verification from the local licensing authority before they can receive a state license.

Commissioner Jankovsky - We will not be looking at a variance to our land use code.

Carey - Not at this point; no. For those that are existing operations and even for those that are new operations, they have separated out the land use process from the local verification process. What the board is hearing today as the local licensing authority is strictly just a local verification process. Any land use issues will be dealt with separately through the building and planning department. Either as establishing, it is a legal non-conforming use and that it was in operation prior to our land use regulation when into

affect. Or it will be processed as a new application. There are two separate processes; it is confusing especially for the members of the public who certainly have land use concerns, which may or may not be relevant to the board's considerations today. Chairman Martin - This is to establish if these were in business prior to our moratorium date.

Carey - And also to demonstrate compliance with the minimum state licensing requirements.

Commissioner Jankovsky - In doing that, we would be looking at; for the minimum state licensing requirements, we would be looking at is this packet complete?

Carey - Correct. Do you have sufficient information to determine that they have adequately addressed all state law concerns involving safety, security, processing, addressing the waste issues. Those are the minimum state licensing requirements that they will need to hear information on from the applicant.

Shalynn believes she has given adequate proof that they were established before the June 21st moratorium. The first grow, 7 Oaks, she has lease agreements, it is in an HOA and she obtained letters from the surrounding homeowners that share a fence line with the property stating they do not mind their grow. They were aware of the grow and know when it was operational. Her operation started November 12, 2009. She has provided copies of the secure facility from the Medical Marijuana Enforcement Division which they have already done an inspection. She has that on both facilities and has completed all the state requirements.

Carey asked Shalynn to explain whole process. Has she had investigators on site; what did they look for.

Shalynn - Investigators from the MME came to both facilities. They have done a complete walk through of the facility and verified their security system is up to state law. Their cameras and DVR's are all on the required DVR list. They have adequate back up for 20 day required video surveillance. Their waste procedures have been approved. Shalynn felt this was all she had to add that hasn't already been provided in the packet. She asked if they had questions.

Carey - If she could start at 7 Oaks Road, she began operating on Nov. 12, 2009. Please describe the parcel it is situated on and what the OPC looks like.

Shalynn - The parcel is 39 acres and the landlord lives on that acreage; their home is right up the driveway. Further down the driveway there is a gated entrance which is locked and that drives down to the grow. The grow facility is a steel warehouse building at 9,400 square feet and it is also locked. It has all the commercial grade locks required and it's completely fenced. There are signs on the building stating this is a limited access area, secure facility, and licensed badge required.

Carey asked if it included a business name on the warehouse.

Shalynn - No.

Carey asked if there are any other forms of advertising on the warehouse.

Shalynn - No.

Carey asked if she would describe the lighting inside and outside the warehouse.

Shalynn - Outside is very minimal; there are two outdoor lights on the doors, motion detectors, which are set 10 feet out because there are horses on the property. Inside there is 85,000 watts of grow lights. They are separated by different rooms. There is a mothering room where you have all of your plants and that wattage continues 24 hours

a day. The vegging room which is also 24 hours a day and the flowering rooms which they have three different flowering rooms and those lights are on 12 on 12 off cycles. There is absolutely zero leakage at night. The lights are off and the mothering room is sealed.

Carey - There is no light leakage from the warehouse that affects any neighboring property?

Shalynn - Correct.

Carey asked how many access doors are there to the warehouse.

Shalynn - Two.

Carey - Are those from two-fold access and what does that mean?

Shalynn - Yes and they have commercial grade locks; the deadbolt lock is commercial grade. The hand knob is an auto lock; you have to have a key to get in and out and is required by state law.

Carey - How many employees are on sight and are they licensed employees from the state?

Shannon - Two and yes.

Carey - What is that licensing process?

Shalynn - A 12-page packet of information they fill out on themselves. Submit fingerprints to the Department of Revenue. They run a background check and provide the licensing upon approval.

Carey - Does anyone else that is not a licensed employee have access to the site?

Shalynn - The landlord but he is a licensed employee.

Carey - Do you have a lease agreement dating back to 2009 and was that included in the packet?

Shalynn - Yes.

Carey - Does all of the product they produce service their MMC (Medical Marijuana Center)?

Shalynn - It does; they do not wholesale any of their product. They seal it in airtight containers and they save it in their safes at the store.

Carey - 100% of what they grow there to their MMC.

Shalynn - Yes and the waste is transportation manifested up to a kitchen in Denver, which they have a lease with. They make concentrates of that and all of that goes back directly to the store as well.

Carey - Where is their center located?

Shalynn - 716 Grand Avenue, Glenwood Springs.

Carey - Could you describe for us how product gets transported from the OPC to the center?

Shalynn - As required by state law they weigh whatever is being transferred on the scale in plain view of the cameras. It is recorded on transportation manifest, it's scanned and faxed to the state for approval via e-mail and then print out. Whoever is transporting, either one of them transport to 716 Grand Avenue, Glenwood Springs. They weigh it again on site on camera and it is either dispersed in cans on the shelf or sealed and put in the safe.

Carey - Would you ever have a third party transport from the OPC to the MMC?

Shalynn - No.



Carey - How many times has the MMED come out to investigate on the site as part of their licensing process?

Shalynn - Three.

Carey - When was the first time they were out on site?

Shalynn did not come prepared with that date. She believes the first time was November 2010. They just wanted to see it. They gave them some recommendations as to what they needed to do to become compliant. They returned February 2011 and the final approval, the date is on the copy they have in the packets.

Carey - What were the issues they identified between their first and their third visit?

Shalynn - They had to move a placement of a camera. One camera wasn't viewing enough area. They had to buy another hard drive for their DVR. She needed to have two, one 20 days on site and one 20 days off site. They needed to sweep up the leaves and put in piles as to where they were being transported. If it was a trash pile or a concentrate pile that needed to be moved to the kitchen.

Carey - Do they do any growing outside of the warehouse?

Shalynn - No.

Carey - At this time, she would like the commissioners to take further comments from the public and further questions on the 7 Oaks Road only.

Commissioner Jankovsky - This goes back to state minimum licensing requirements; have they been a party to a lawsuit in the past 5 years and it says yes and there was nothing in the packet. It states that people do receive income from this grow but when he looked at the profit and loss statement they don't show wages. Is the 9,400 sq feet is it 100% grow, is that building used for anything else?

Shalynn - 100 % grow.

Commissioner Jankovsky - Back to legal; is this a complete application with having that information in here; was that in here?

Jean - It was in my packet.

Carey would give the applicant the opportunity to respond on the payroll question as well.

Shalynn - It's page 11 in the packet. It was from when her husband was in the hospital, they were uninsured, they had a bill over \$7,000.00, and they couldn't make adequate payments for at the time. They did take it to court and said they felt they were being taken advantage of but all of that is not really information that the board needs. It has been resolved and they are on monthly payments. This profit and loss statement is from 2009 with the original application. They were only open then for 3 months, she and her husband ran it all. One employee began in May 2010 and the other February 2010.

Commissioner Jankovsky - At this time do you have a payroll system; do you write paychecks and pay payroll taxes.

Shalynn - Yes, she runs payroll through CPA services. They don't have any bank accounts, they get a pay stub and they pay cash.

Ron Weissner - Chairman of the High Aspen Ranch Home Owners Association. With him today are two other board members Don Engle and Mimi Kissner and Mark Kissner are here in opposition of this license procedure. One of our board members will also speak; that board member made contact with the county attorney's office and some of the other offices so they could better understand the process. They are now aware of

the limitations of the two items the board will discuss this morning. Most of their questions are or would be associated with the land use aspect of it. Theirs is a residential community. This property that the applicant has referred to is a residential community and so of course, a major part of their concern is their families, children and grandchildren. As it relates to the information, the applicant has provided; he has been chairman for seven years and in that entire seven years, their homeowner association has never received notice of this operation. They are the adjacent property, they do share a fence line and from their community the barn structure that is being referred to is visible and the home is visible. To their knowledge, none of the members has been notified and to their knowledge, none of their residents or owners has been notified. The applicant referred to getting consent of adjacent property owners and to their knowledge that hasn't happened and they would be more than happy to have the applicant prove that somebody on our side of the fence has received notification. In looking through the application, it appeared that the sales tax license and the business license for this enterprise expired December 31, 2011. Perhaps there is a newer license but that was the one that was submitted with the applications and they ask it be researched. This property has already been a public nuisance in our community. They have filed actions against the landowner regarding animal control, which has been an ongoing and recurring issue. Mr. Rambo who is the owner and the landlord has notified them that he has every intention of leaving the area in November and won't be back for two years. If he is the responsible party or the responsible landlord, he has given them official notice that he has no intention of being here after November. If they look at the application submitted there is a lease but it is month to month. If the landlord is not in attendance and the tenant is month to month, there is no one that is a long-term responsible party for all the many list of things that have to be complied with at the state level. They have concern over who is the responsible party. The materials their board member was researching, they would ask that she could come up and address some of the questions; but if it does go to the next level or another level which is county regulations. It is their understanding that the current county land use regulations would not permit this if in fact it was called a new operation and to their knowledge because they have never received any notice of it but they have never received notice that it was an existing operation during the timetable that's been described.

Mimi - She is a homeowner, full time resident as well as a member of the board of the Aspen Ranch Homeowners Association. Our main concern obviously is the land use. This OPC doesn't belong in a residential neighborhood but they have questions and concerns. Is the submittal the commissioners are looking at the same as what is posted on the web?

Carey - Yes.

Mimi - They see a total absence of information as Ron mentioned about the lease and Mr. Rambo's relationship to Miss Hofert. As part of the deep dive she did into the county's regulations and the state regulations; she had a big questions that they don't have answers for. Have they had any input from the Colorado Division of Water Resources regarding running a commercial marijuana OPC with a domestic well permit? It's their understanding the well permit is the same as theirs they all have 35+ acre lots and they have distinct limits on domestic use and maximum irrigation. That is a major concern beyond the sewage disposal through a septic system; but mainly the

water supply. The rest of them has to be brought forward with the land use issues because they heard Miss. Hofert's comment about the security issues and all that but she would question this warehouse building their using was it permitted at the time? Built for regulations of the county and was the purported use of it brought forth at that time? They as a community in conclusion question why someone would start a commercial marijuana grow operation in a residential subdivision with domestic well water and septic and inflict security and other issues on their neighbors.

Fred Jarman - He and Andy are looking to see if a building permit was filed for the structure that the grow is in. The question he has for Shalynn is, is she aware of the permit for that structure.

Shalynn - She is not; it was built before they moved in.

Commissioner Jankovsky - There is a number of code issue questions here that Mimi brought up but those are not pertinent to what they are looking at today. Those would be questions they would take to the building department directly and ask those questions. Is that correct? Concerning building permits, water usage those types of things.

Fred - It is and maybe a question for the county attorney's office but it's part of the local verification and the application forms that someone has to fill out for the county. He can't remember if on the form it states; are you in compliance with the local building codes.

Commissioner Jankovsky - But we haven't gotten to that local code information. We're just dealing with state requirement and if this was in place prior to the moratorium.

Carey - That's correct. The local verification application form does not request whether you're in compliance with the building code.

Commissioner Samson - Is there a reason for that?

Carey - The intention was to keep them as separate processes but beyond that, they don't necessarily have to be it's just the way that it has been structured and approved.

Fred - There was a very good question raised about the water, which is something they did contemplate when writing the rules for land use.

Commissioner Jankovsky - For Mr. Weissner and Mimi; if there are land use questions they have to go back to the building department and a code officer would have to look at those. Would that be correct statement?

Fred - Yes, there could be some land use code violation issues. The challenge he thinks they have is if you as the board today verify this business was in place prior to the moratorium then ultimately there is no land use question.

Carey - It is although there is a second component that is contemplated and that is some sort of establishment that is a legal non-conforming use.

Commissioner Jankovsky - So that would come back to us?

Fred - No, that would be something his department would issue.

Commissioner Jankovsky is somewhat confused. We have in front of us an application that looks to be complete with the state. We have a lease that looks to show this was in place prior to the moratorium, so how does land use code get in? That's a whole different question. If the water can be used for commercial or residential or if there was a building permit. Those are different questions than what's in front of us. He doesn't know if they are making a decision based on that today.

Chairman Martin - Not on the land use issue, non-conforming use; no. We're trying to see if they were in business and did they have the proper authority to be in business with the lease and license issued by the Department of Revenue.

Commissioner Jankovsky - Other things come in front of us that are violations from our code enforcement people and that's a different process.

Fred - Take the building code by way of example. If in fact there was no building permit pulled for this type of use in that type of structure the board still has jurisdiction to enforce their building code regardless of the viability of a business or not. The other issues with respect to water, the Department of Water Resources has the ability to look at their own permitting system.

Commissioner Jankovsky - What about commercial use in a residential area? If they approve this at this time, that question goes away.

Fred - That's correct.

Carey - that is ultimately the relationship between what they are doing today and what the land use process would be. If they find that it was not in existence prior to the county's moratorium then that clues Fred in and says to what process it must follow in the land use side. If it was in operation it may qualify for legal non-conforming use status and that limits what analysis building and planning can do of the operation because it would be permitted as a commercial use in a residential area. If it was not in operation then it must comply with the land use regulations.

Mimi - She tried to soft pedal the question but now she will ask it in plain English. She questions yes there are land use issues but she questions the character of a person, which is part of the licensing process. You are allowed to look at the character the person requesting the license. She knows they do it for liquor licenses and other licenses. She is questioning these land use issues on the basis of the character of the person doing this. How can she trust them to maintain security and the other issues if they can't even make the basic rules of the county? These rules didn't change through their moratorium. You have certain issues that apply to a commercial business wherever they locate it. If someone comes in and tries to stuff this down all the neighbors, she questions their character. She didn't ask those purely as land use items; she asked them in the vein.

Carey has a submission from an individual who could not be here today. She passed out information to the board. They could not be here today.

Chairman Martin - For the record, clarify all Exhibits. He asked counsel to identify the exhibit.

Carey - A statement from W. Page Breaker regarding the local verification hearing today and was received yesterday afternoon by Carey.

Commissioner Samson is wondering if this should have been brought up when they first went through proper notification. It seems to be one of the issues they brought up.

Chairman Martin - There is a photograph in the application of the posting.

Shalynn wanted to first address the sign issue. When she hung up the sign, she nailed into the back of the sign and is visible to street. When she went back this morning it was thumb tacked in; apparently someone took it off and moved it. First, she wanted to address Mr. Weissner. She appreciates the concerns and she is not familiar with the board from the Homestead Ranch. She doesn't know personally who John D. Cinder is; but he did say he was on the homeowners association board and he stated the board

members were aware of Mr. Justin Rambo's business starting 2009 located at 3 Seven Oaks Road, Glenwood Springs, Colorado. She can make copies for them. Someone in the audience asked who the man was and she repeated John Cinder at 38 Loan Oak Road. The man stated he was not in their community. Larry ???? is another one of Justin's neighbors again stating he knew about the facility since 2009 and stated he has no complaints about the grow business or its current state location. As far as the public nuisance and the animal control, she doesn't see the relevance to this hearing because it is a public residence and they do have dogs, horses but that does not correlate with Green Natural Solutions OPCO at all. They are not her animals. She believes those issues should be taken up with homeowner and brought up at her hearing for local verification. Justin travels often and is planning on going this winter; he is planning on returning in the spring, staying through the summer and then returning again. They are plans; they are not set in stone. There are individuals that are aware of the grow and she apologized if they (people in audience) were unaware of it and don't approve of it. As far as Miss Kissner; the OPCO land use, when they opened in 2009, it was up to code. There were standards; there were rules as far as land use guidelines they had to follow for medical marijuana cultivation sites. As far as morally wise, she doesn't see where that has any relevance once again but it is 35-acres and a private residence on private property. If you don't like it, she suggests they don't go near it. They have five large boxer dogs and suggests they keep children off the property anyway because of the dogs. Her relationship with Justin, she doesn't see where that has any relevance again; he is her employee, he is her leaseor and that's where that stands. Everything is up to code and legal with the state. Water resources is a valid concern. She thanked them for bringing it to her attention because she didn't know there was such regulations with private well. She will have to look into that and doesn't have any answers at this time. Septic system; they reuse water and it doesn't go into the septic system. They grow organically anyway. None of the grow water is entered into the septic directly. She doesn't know if Fred got the building permit but once again she didn't build the building and she doesn't know what the permit says or when it was issued. The commercial property in residential area; once again back in 2009 this was so new there were no guidelines set. She felt and still feels they have 100% rights to grow up there legally.

Chairman Martin - Do you know if there's a homeowners association that this piece of property is in?

Shalynn - Yes, it's Homestead or High Aspen Ranch.

Chairman Martin - Do they have covenants?

Mimi - Homestead Estates and High Aspen Ranch; two neighboring homeowner associations, two neighboring subdivisions.

Chairman Martin - Do you know if there are covenants in place when she was a leasee?

Shalynn - No.

Chairman Martin - They weren't given to you or anything like that?

Shalynn - No.

Don Ingal - Is on the board of High Aspen Ranch and he is a homeowner there.

Primarily he is the one who has had problems with the nuisance dogs and he understands her part about whether it's relevant, but it is for them. It has to do with the fact if the landlord can't take of his animals. One of his dogs actually got on his property

and attacked his dog and he had to be taken to the vet. The question he has is if there was a notice required to start a commercial operation in a residential area and they didn't get notices how does that impact, he understands it's a land issue, but how does that impact the board's decision today on the issue in front of them?

Commissioner Jankovsky - Would have to ask legal if that was one of the requirements that homeowners within 200 feet is part of the requirements.

Carey - There were no notice requirements at the time they began operating. At that, time there had not been a determination that cultivation operations were to be considered commercial operations. Our county's land use resolution did not address that at all and at that time it would not require a land use process when they began operating.

Chairman Martin - He questioned it being 35 or 39 acres etc could have been qualified as an agricultural building at one time and that's where Andy would get in reference to the building code. There are guidelines by the State of Colorado within the application, many items on a checklist that have to be done before that certification. Does the homeowners association have covenants in place that are given to all members of the subdivision?

Don - Doesn't know about homestead.

Chairman Martin - This property is in or outside of their homeowners?

Don - The property in question is outside of their homeowners. He has neighboring property.

Commissioner Jankovsky - A question to Commissioner Martin: aren't there dog laws in the county where you can only have two dogs per residence?

Chairman Martin - There is no such ordinance in place on that but there is a recommendation that one dog for property etc. had been a standard resolution on land use approval. He doesn't believe they have limited the number of dogs except for in the kennel area. If you have a kennel, you have to meet certain standards and a number of dogs have to be met. But as a homeowner and in the subdivision, that is usually a covenants issue.

Carey - That's correct.

Ron - High Aspen Ranch. In Shalynn's response to his question about Mr. Rambo, she indicated that he had notified her that he would be leaving in the fall and returning in the spring. As a result of their difficulties with Mr. Rambo, he gave them information that he would be gone for two years. The testimony she gave, to their knowledge, is not correct. Now that they better understand the marijuana aspect of this, the other key question for council would be that if in fact this was deemed a commercial enterprise regardless of whether it was called marijuana or something else and it did not have the proper building permits or the proper licenses, or proper notices or whatever is considered for a business purpose in a residential area. Then it would appear to be a legal question whether or not in fact it was a business that was operating legally. If the business was not operating legally during the timetable that the board talked about, then perhaps in fact from a legal perspective they were not operating prior to the deadlines that the board imposed. They would ask that the question be researched by council. Commissioner Jankovsky thinks that's more or less a code issue and it would potentially come back to the board through code enforcement.

Ron - The question for the license; if it was not a legally functioning business then the board's responsibility is to say yes it was or was not a legally functioning business prior to the 2010 date.

Chairman Martin - That's the razors edge they have because the rules and regulations that establish that as a commercial operation were not in affect. Also not identified as a commercial operation within Garfield County. It was a state issued license not a county issued license. There is no inspection by the county on that particular issue. That's why the ballot questions went forward; we're all in the same boat on that issue. They are still trying to sort things out; they will have to work out if it is a non-complying use. They will have to see that through a land use issue.

Commissioner Jankovsky - Is there a board member present from the Homestead Ranch Homeowners Association? There was none.

Carey - She believes the board has provided every opportunity to collect whether they have the necessary information to make their determination with regard to the OPCO at Seven Oaks Road. The will address 4501 separately. Again their job today is a narrow one in the sense they are looking only at compliance with state licensing standards and they are looking at when they began operations at this specific location. She pointed out they may deny a local verification for good cause and this was in the resolution establishing local licensing authority. Good cause would mean the applicant does not meet or has violated any of the terms, conditions, or provisions of the Colorado medical marijuana code that's the state law or any rules or regulations promulgated under that code. Those would be the state minimum licensing requirements they have been talking about this morning. Additionally it could mean that the applicant has failed to comply with any special terms and conditions that were placed on a local verification or state license. That would be more relevant to a renewal and not necessarily consideration at the outset. Finally, good cause for denial of a local verification could be that the premises had been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the establishment is located. Those are the perimeters for their decision making this morning.

Commissioner Samson - How would you answer that if you felt that was a possibility in dealing with the questions regarding water? He feels they don't have the information they need.

Commissioner Jankovsky - That might be the only question he could see that would fall under that.

Chairman Martin - You would have to have testimony either from the water officials.

Carey - The issue that has been raised is whether the use is contemplated by the existing well permit. That may be a slightly different question than water quality concerns related to use of water for a specific purpose. She is not sure that the board has heard evidence of water quality concerns today, but that is ultimately for them to judge based upon what they've heard. Public health, welfare, and safety she would not necessarily link whether there is a valid well permit.

Chairman Martin - Is it a public nuisance, has there been violations, has there been criminal activity taking place, do you have any kind of reports from law enforcement, federal or state? Has it become such an issue that the people fear for their lives or fear for their safety based upon testimony that they received?

Shalynn wanted to add on public safety; this has been in operation since 2009 and several of the neighboring are just now aware of the grow facility. She doesn't have a bunch of employees, no traffic coming up and down, and it is casino standard security systems. She personally does not believe there is any public endangerment.

Commissioner Jankovsky - When Mr. Rambo leaves does someone else stay in the house.

Shalynn - There will be a caretaker.

Chair Martin - do we know who that person will be?

Shalynn - Jeremy Blair.

Commissioner Samson - A question for legal; he feels like he is getting squeezed in a corner and he doesn't like it. The only thing for them to decide here is verification, whether or not it's up to snuff and it appears that it is. Looking down the road for land use, say there are certain violations that have been discovered; those will come before the board correct?

Carey - There are a number of ways that violations can come before them.

Commissioner Samson - And if those are substantiated and we decide something needs to be done how does it affect this or it doesn't affect this at all? This is new territory and he needs some explanation.

Carey - Any sort of violation of their existing permit, any concerns of nuisance created or endangerment of public health, wealth, safety; any of that would be relevant to consider on renewal. If the board was to issue a local verification at this time, it would only valid for a period of one year. They would see the same operation come up for review in another year and that would be the opportunity for the sheriff to weigh in if there have been any concerns from the sheriff's office. It would be an opportunity if reports had come in for violations of their state license to the medical marijuana enforcement division; those could come before this board as well in terms of those violations. On the licensing side of things, the board would see this again as a renewal. It is similar to a liquor license. On the land use side of things; if it is deemed to be a legal non-conforming use then that would prohibit any further expansion of the operation. Any attempt to do so would negate any protection of the legal non-conforming use and they would have to shut down operations and then comply with the land use code in a permitted zone district. If there are concerns with the validity of a building permit; that could come before the board in a code enforcement venue. If there are concerns about whether there is a valid well permit for the use on the property; that is something the Division of Water Resources has jurisdiction on and they can take action independent of this board. There are a number of avenues to address the concerns raised.

Commissioner Samson - Those who have come before the board and raised concerns; even though we as the Board of County Commissioners say things are in order for verification, do they have a recourse to go before the state licensing board and bring up those concerns? Or is this the last thing the state is waiting for, and in his opinion, they didn't seem to do their homework properly to make sure that these things were taken care of in the first place.

Carey - This is the last step in the process for a state license. The state has completed their investigation and determined they have complied with all state statutory requirements to receive a license. That is why we are now receiving this request for



local verification. There would not be an avenue for concerned citizens to raise these same concerns with the state MMED, that is not built in as part of the states review process. If there were concerns of violations moving forward the MME does have an enforcement division and complaints can be made to the enforcement division. The same investigators that came out and investigated the operation could come out and investigate complaints. The Medical Marijuana Code is not a land use code. It is specifically structured as a business operation and licensing scheme. They leave it to the local jurisdictions to determine what to do with the local land use provisions. The state would not have considered local land use issues in their review process of the license application.

Commissioner Samson - And as we all know we got behind the eight ball; we didn't have the information or laws on the books to deal with this.

Chairman Martin - Do I have a motion to close the public hearing?

Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Jankovsky - Tough decisions; he has to go back to code, local regulations and make a decision. He thinks the two items they have in front of them state minimum licensing requirements and that shows that has been met and second is find that this was in operation prior to 6/21/10. They have a lease in their packet and two letters from adjacent landowners stating this operation was actually in effect in 2009.

Commissioner Jankovsky - I would make a motion that we approve local verification for an OPCO operated by Green Natural Solutions, Inc. at # 3, Seven Oaks Road, Glenwood Springs, Colorado.

#### **Discussion**

Commissioner Samson - I'll second the motion and I agree with you. The job we have to do on those two points, as I said earlier I feel we're being pushed into a box on the federal and state level. The state level more so. But that's not the question at hand; we have to stick to what we have to do.

Chairman Martin - Burden of proof is that it was in operation prior to again 2010, verification of that and they supplied that information and there has not been any illegal activities, nuisances provided by any kind of law enforcement and jeopardizing health and safety of the public is what your basing everything on.

Commissioner Jankovsky - Yeah and I looked back at that question for good cause and I just don't see any. Although there were a number of good points brought up by adjacent homeowners, I just don't see any violation of state laws or any affects health, safety and welfare of the public and public health.

Chairman Martin - This is information that you're accepting and sending onto state for final determination of state license. That's what it amounts to, we are not issuing a license it is our approval process.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

## Discussion

Chairman Martin stated they would move on to the second site in Silt Mesa. He asked legal if the same notification requirements were in place.

Carey informed him they were.

Chairman Martin swore in the speakers.

Carey - Based upon the applicants testimony and the exhibits submitted in her application; Carey believes the applicant has complied with the statutory notice requirements.

Chairman Martin accepted the notification into the record.

Shalynn provided a copy of the lease stating they opened June 1, 2010 at 4501 Silt Mesa Road. Landlord is Richard Collins. She has the continuation of the lease to show still in good current standings with Mr. Collins. This warehouse is roughly 2,200 square feet and is all enclosed. Security has been installed by High Tech Security. Checks are done yearly and the last was June 2012. Security is the same as Seven Oaks Road. She prides herself with the steps she takes to maintain the state laws. There is one entrance to the building that has the commercial deadbolt and it has the auto lock handle. There is one light on the outside of the door; it is not a motion light it has to be turned on from the inside. There are zero leakages of light. There are two different grow rooms in this facility; one a mothering room where the lights are on 24 hours a day. One window boarded up and draped over. The other rooms a garage style. Garage door has been sealed off, they have run black tarp around the entire building, and those lights are 12 hours on and 12 hours off.

Carey - Again there is only one entrance and one exit from the building and it is a secured door with security cameras?

Shalynn - Yes.

Carey - Where is this situated on the overall parcel?

Shalynn - It is a solid 200 yards back from Silt Mesa Road on a private drive and it is in the middle of the meadow.

Carey - Are there any other residents or other buildings on the property?

Shalynn - On the property; no. There is a greenhouse that was put up.

Carey - Is that a facility that she uses as Green Natural Solutions?

Shalynn - Yes, but not right now. The state doesn't have any regulations as to greenhouses. There is nothing growing in it yet and waiting for the state.

Carey - Are there any signs on the exterior of the building?

Shalynn - On the door; limited access area, licensed employees only.

Carey - Are there any advertising signs?

Shalynn - No.

Carey - Any identification of her business name?

Shalynn - No.

Carey - Does she have employees on site?

Shalynn - Permanently - No.

Carey - How many employees does she have that visits the site?

Shalynn - Two.

Carey - Are these the same two employees she uses for her other OPC?

Shalynn - Justin Rambo does not visit this one; he is license to. Jeremy Blair and Darren Hofert are the main employees.

Carey - both of them are licensed through the medical marijuana enforcement division as employees.

Shalynn - Yes.

Carey - How frequently do they visit the site?

Shalynn - Jeremy once a day; he gets there about 6:00 p.m., does the watering, caretaking of the plants, then closes, and leaves. Darren travels there about once a week to check on everything.

Carey - Does 100% of what is produced there serve her local medical marijuana center?

Shalynn - Yes.

Carey - Again where is the center located?

Shalynn - 716 Grand Avenue, Glenwood Springs.

Carey - It does not service or provide product to any other MMC's?

Shalynn - No.

Carey - Would you describe again how product is processed and transferred from that site to her MMC?

Shalynn - finished product is weighed on scale on camera, recorded on transportation manifest, signed out by whoever is transporting and goes to 716. It gets weighed again, disperse in jars or put in the safe.

Carey - Would any third party ever transport for them?

Shalynn - No.

Carey - Could you describe how they deal with the waste product?

Shalynn - They do not waste any of their products. Stems, leaves, trim everything that comes off of a plant that is not a finished product to sell in the store; they put it in large black bags and transportation manifest it to the kitchen in Denver. Create infused products, concentrates such as hash or honey oil and transportation manifest it back to the store in Glenwood Springs.

Carey - How many times has the MMED sent out investigators?

Shalynn - Twice.

Carey - Approximately what dates?

Shalynn - First dates were late 2009. At that time, she doesn't believe the state requirements were out. January 2010 and the last time they were here was the final walk through.

Carey - Did they identify any issues on the site between the first visit and the second visit?

Shalynn - No because they didn't have regulations at that time.

Carey - The second time were there any issues that she had to remediate.

Shalynn - No.

Carey - At this time, she would rest questioning.

Chairman Martin - On notification itself was it posted properly?

Shalynn - The licensing sign was.

Chairman Martin - It remained up to a certain time?

Shalynn - Until Sunday afternoon until about 4:30 p.m.

Chairman Martin - Do you remember when you posted it?

Shalynn - Yes, July 25th 11:13 a.m.

Commissioner Jankovsky - You stated that you had a license inspector at this location in 2009. Your lease here starts June 1, 2010; you were on the property in 2009?

Shalynn - They were trying to get input to see if this location met with state requirements.

Commissioner Jankovsky - At that time they were not in operation?

Shalynn - No. They asked for the state to come and look at the place.

Chairman Martin - Does Mr. Collins have access or is in and out of the facility other than being the landlord.

Shalynn - He does not.

Commissioner Jankovsky - Would she have any electrical bills to show they have been in the facility by June 1, 2010?

Shalynn - Yes, she could dig some up they were with Xcel and still are.

Diana Erickson - lives just around the corner from this operation. She can visibly see the greenhouse on the applicant's property. About the notification, the sign was not clear, if they were going west on Silt Mesa you would go right by the sign and never see it. You had to go eastbound to see it and neighbors went a week before they even saw it. She feels like they were all taken by surprise.

Chairman Martin - How did you find out about this hearing today?

Diana - A neighbor pointed out the sign to her and they went up and read it. That was about five days ago. Noone prepared for anything, if there is anything to prepare for.

Chairman Martin - The burden of proof is on the applicant.

Diana - Most of the neighbors thought it was being hurried through.

Alice Holmes - Not up to all the legal stuff and she didn't know about the sign until Diana pointed it out to her on Wednesday. She and her husband took a ride up and saw it. When she told people in church about it yesterday, when she went back to get the address the sign was gone. It was about 11:30 a.m. when first seeing. You had to get right on top of it to read it.

Chairman Martin - Did you remove the sign yesterday?

Shalynn - she did after church and she was in church until noon, had lunch and then went to get the sign.

Alice - The neighbors who live right next door to this property; she didn't know anything about it and none of them received any letters saying this was going to happen. She didn't know if they were supposed to be notified.

Chairman Martin - No, the notification requirement is posting and also an advertisement in the paper. They have met the requirement. They did not have to write letters.

Alice - What scare her is; she is elderly and there are elderly where she lives. Once these younger people find out there is a marijuana-growing greenhouse by them, because it is really isolated by them, they all have 10 acres. Some kids come out at night and try to break in. Maybe break into their homes and she is scared about that.

Chairman Martin - Security issued are addressed in the licensing. We live with that every day, be in good standing with the sheriff.

Alice - One neighbor who lives next door to the property when she spoke with her yesterday she called the sheriff's department and they went out to look. The sign wasn't there of course and they said they wouldn't want a marijuana place next to their property either. She wondered if they could table this until they could get a petition up to list reasons why they don't want it there.

Chairman Martin - It will be a land use issue and a code enforcement. This is a verification to see if they have a legal right to be where they are with their lease and meet the minimum standards based upon state licensing. That is what they are dealing with today. It is frustrating for both sides of the issue. The citizens of Garfield County voted on having this in Garfield County. It would be a separate hearing with building and planning on land use. Chairman Martin asked the applicant if this was in a homeowners association and if there were covenants.

Shalynn - No, not that she is aware of.

Commissioner Jankovsky - Your water is well.

Shalynn - No, it is hauled in by Flat Iron Water from Rifle. They have a 3,000-gallon tank outside of the warehouse.

Chairman Martin - That would be potable water hauled in with a third party, under contract.

Commissioner Jankovsky - Has there been vandalism or break-ins at this particular site or called the sheriff?

Shalynn - No, they have had no issues at all at this site.

Chairman Martin - Any closing remarks.

Shalynn apologized if it was difficult for people to see the sign and didn't have adequate time for a presentation. Crime issues; been in business for over 2 years, no crime issues, no calls from the sheriffs off and have not made any calls to the sheriff.

Commissioner Jankovsky - This 4501, the number was on the sign.

Shalynn - Yes.

Alice - They have kids come and smash their mailboxes every so often when they get a little too much. Seeing the sign now who knows.

Chairman Martin - The rules have changed and now the posting is mandatory.

Chairman Martin - Do I have a motion to close the public hearing?

Commissioner Samson - So move.

MOTION

Commissioner  
Mike Samson

SECONDER

Commissioner  
Tom Jankovsky

VOTE

UNA by roll call vote

Chairman Martin - We will deliberate, no public testimony unless we open the public hearing again.

Commissioner Jankovsky - I would like to postpone this and ask the applicant to come back with some an additional information because of how close this date on the lease is with the county's moratorium. He would like to ask that we either have a notarized letter from Mr. Collins or and Excel Energy Bill, or a water hauler bill or something that can

verify they were in operation prior to 6/21/2010. He doesn't feel at this time the one lease itself is enough information for them to move forward.

Commissioner Samson - I'll second the motion.

### **Discussion**

Chairman Martin - Well the motion would be then if this is a request for more information we must re-open the public hearing, do a continuation of the public hearing based upon your finding and request for that information to come back. We would have to have a motion to re-open the public hearing for consideration of new information.

Commissioner Jankovsky - I would like to make a motion that we re-open the public hearing for consideration of new information.

Commissioner Samson - Second.

Commissioner Jankovsky - And that's on 4501 Silt Mesa Road.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Chairman Martin - Now we can take public information. You understand as the applicant what we're requesting you to do with that motion we have now re-opened the public hearing on your second application. There is a request by Tom for certain information.

Commissioner Jankovsky - I would like to have additional information or verification that you were there prior to the moratorium, 6/21/10. And I would like to have that in either a notarized letter from the landlord or the other thing would be bill you would have from Xcel Energy or from your water hauler. Just more verification so that we can pinpoint this that you were in existence prior to 6/21/10.

Chairman Martin - Did you build the building; no, it was built prior to you moving in. Would you have any improvements or anything like that from a contractor, any utility bills under your name is acceptable.

Commissioner Jankovsky - Or a notarized letter from the landlord stating you were in the building 6/01/10.

Chairman Martin - We'll need a date specific in reference to our continuation, Tom do you have a date specific?

Commissioner Jankovsky - In case the landlord is not available I would like to give one month's time. I would like to go at least to the first or second meeting in September.

Chairman Martin - The 4th or the 10th?

Commissioner Jankovsky - I think the 10th.

Chairman Martin - Would that be a timeline you could meet as the applicant, September 10th supplying all that information.

Shalynn - Yes.

Chairman Martin - We will continue the notification, it will not be republished. Make sure it's posted as a continued hearing on our agenda.

Carey - Normally that would not be required. Once the hearing has been properly published, properly noticed the continuation stands on its own at this hearing. But this question to you as the local verification authority will you be accepting further public comment since you did have some citizens here today who were looking for additional

time when you reconvene on September 10th will you accept additional public comment.

Commissioner Jankovsky - I think that's been our policy to accept additional public comment but the hearing is really based on being here prior to the moratorium.

Chairman Martin - It is but we will take testimony simply because we have new exhibits to consider.

Drew - We'll indicate on the agenda that this was continued on September 10th from this date. No newspaper, sign, or anything like that. He had a legal question. The exact phrase or the approximate phrase is about operating prior to June 21. What's the source of the phrase and what is the actual phrase or as close as you can. He doesn't mean to send them to the resolution.

Carey - the language appears in the resolution in paragraph 6; applicants who are currently operating and optional premises cultivation operation must demonstrate to the satisfaction of the local licensing authority that the OPCO was in operation in unincorporated Garfield County prior to the county's June 21, 2010 moratorium.

Drew appreciates that. That's resolution number?

Carey - 12-52.

Drew asks this because the purpose of the continuance is to give the applicant opportunity to present evidence sufficient to you and the other commissioners about what constitutes was in operation. If he understood correctly, they are basically saying that a signed lease doesn't get you there and was in operation. What does was in operation mean and what evidence do they need to see to make a determination about whether they were or were not? He is taking the time to run through that so the applicant will know what to bring and they will know what they are looking for. Whatever they bring you either will be sufficient that the business was in operation or it was not.

Commissioner Jankovsky - They had legal use of the facility, they may not have been up and running 100% but they were using the facility before 6/21/10. The reason he is going back to this one is because we have this lease, but on the other Seven Oaks, we had the lease and two neighbors whom he felt was sufficient.

Chairman Martin - Legal control of the facility and investing in the facility for a grow operation; actively invested.

Carey - Did you vote on the continuance?

Chairman Martin - We did not; all those in favor?

All in Favor.

## **LUNCH - Noon**

## **COMMENTS FROM CITIZENS NOT ON THE AGENDA: 1:00 p.m.**

## **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

### **1. County Attorney Update - Land Use Issues: Carey Gagnon**

#### **ii. [Pay-off COPS 2006 - Ann Driggers](#)**

Ann - In 2006, Garfield issued \$9,000,685.00 in certificate of participation. These funds were used to fund the jail facility. COPS is scheduled to be paid off in 2023 and the principal outstanding is \$8.8 million, interest is \$2.1 and in 2012, the payment left is \$174,135.00. In order to pay off the COPS they would need to pass a resolution.

Ultimately, it would save \$81,263.00 in interest payments for the remainder of 2012. If they add the interest payments from COPS 2001, which they have already, paid off this year, that would be \$285,873.00 in savings for 2012. They have already budgeted those payments and they would no longer have to pay them. In the long term, they would save an additional \$1.96 million over the life of COPS that they would otherwise have to pay. Total savings is \$2,048,773.00 in future interest payments.

Chairman Martin - These have to be paid off in cash. Our goal is to get the county out of debt. The county would be out of debt for the long-term obligations, except for day-to-day operations and the budget is there.

Drew - The Garfield County building corporation is a nonprofit entity. It's function is effectively to facilitate the financing of the Garfield County jail. In this transaction, they are the county's landlord and they give back to the county a lease for use of the jail. In exchange for that, the county pays the building corporation rent. It is rent payments that flow from the county to the building corporation rent. The building corporation has assigned its rights under the trustee. Because these are rent payments, it is not debt. It is however a financial obligation. It is not a multi-year financial obligation. The county has always had the option to purchase this building at any time and not to extend its lease and that is exactly what they are doing here. They are exercising a purchase price option under this capital lease. What this does do is put them in very rare company. They contacted Colorado Counties Inc. and tried to get a rough estimate of the number of Colorado Counties that don't have either capital leases of this type or other long-term financial obligations; that's a little bit difficult to determine because of the way the budgets are cycled through and they have to consult with DOLA. He thinks they are safe in saying more than 80% of the county have either capital leases or a long-term debt. The county is earning approximately 1% on their reserves and they are paying out 4% on the certificates. This is a sound decision and they were proud to be able to present this to the board. If they approve the resolution, they will immediately have it recorded and transmitted to the trustee before the close of business today allowing the trustee to give timely notice to their certificate holders.

Ann wanted to all talk about the source of funds. They need to look at another source potentially to keep the capital funds with a strong balance. She would ask that they might consider a transfer from another fund such as the general or the oil and gas mitigation.

Drew wanted to speak as the special assistant county attorney on this point. The oil and gas mitigation fund has certain restrictions on it with respect to some of its components. The historic Federal Mineral Lease payments that comprise the majority of that fund must be used for planning, public facilities either their maintenance or construction or public services. This is the construction of a public facility therefore; they could draw, in whole or in part, on that fund.

Chairman Martin - The balance of that one is \$22 million

Ann - \$22,681.00 million.



Chairman Martin - It is not the taxpayer dollars; those are the royalties and the payments that the federal government made to the county and to the cities. He thinks they should look at the mitigation fund. He knows the general is \$6 million dollars. The mitigation fund was set up for when there are no other funds available, but he thinks it qualifies.

Commissioner Jankovsky - To Commissioner Martin; he would like them to look at the general fund. There's a larger balance there; the oil and gas mitigation fund was set-up with federal mineral leasing dollars and they have now set those aside into the federal mineral leasing district and he doesn't see them having income into that fund as they once did receiving almost \$3 million dollars a year.

Chairman Martin - But we will, we will have funds. Severance tax as well as the PILT payment tax and also the Taylor Grazing funds as well as the tax that comes from the State of Colorado for wildlife and the different items under state PILT. So they do have revenue. The Federal Mineral leasing yes you are right, but they have looked at that issue, asked the Department of Interior to make whole their PILT payments. That should return, maybe not all, but most of the Federal Mineral leasing dollars that would have gone in there as well. There is an income; not as healthy as it once was but there is an income.

Commissioner Jankovsky looks at this \$36 million dollars and yes, it does come primarily from property taxes, but he sees the savings to the taxpayer being significant. They can pay off \$8 million dollars in principal and save \$2 million dollars in interest, that's a significant amount. What is also beneficial is that the county has almost \$1 million dollars sitting in reserve funds.

Chairman Martin feel Commissioner Jankovsky has a good argument and Chairman Martin is trying to keep the general fund whole simply because they have so many other budgets depending upon the general fund. All elected officials, all the activities of employees, health insurance and on and on. He would like to hold the general fund as strong as they can because they don't know what the future will be. The rainy day fund, which is the energy mitigation fund, is very limited use on that unless everything else goes south.

Commissioner Jankovsky will concede to his number of years.

Commissioner Samson wanted to know if they could take half from each one. He felt they both made good points.

Chairman Martin - You can.

Drew wanted to make sure the record is clear. There is currently enough in the capital fund balance to cover this entire payment. What is under discussion now is instruction to staff on transfers back into that fund. The payments must come out of the capital fund but they would backfill it with the general fund of whatever combination of capital, general and oil and gas mitigation fund they the board directs them to do.

Chairman Martin - They do have the money and are just trying to decide which fund to take it out of.

Commissioner Samson - Asked if the total payment was correct effective September 7, 2012 \$8.9 etc. etc.?

Commissioner Jankovsky - No, there are some reserves that offset that.

Ann - Total of the principal and interest too.

Drew - \$8.9 is what you owe.

Commissioner Jankovsky - Pay that and get the other money back?

Drew - One of the terms of the transaction is that the county and the parties commit a certain reserve amount in case of emergency. With no emergency, paying this off the trustee applies that to the principal balance but they still owe more than they will actually write a check for. On page 3 in paragraph 4 the total pay off effective September 7, 2012 is \$8,932,872.00 and is the correct number. To that number will be applied the reserve fund of \$988,635.00. By passing the resolution, they are correctly identifying both what they owe and what will actually leave the county's funds.

Georgia - They do have that much money in cash now; it would be no stress on the county's funds to make the wire on September 5th. She thinks it is a very positive move. Finance has done their job well.

Commissioner Samson - According to the resolution, this money will come out of the capital fund.

Drew - Yes.

Commissioner Samson - did they need to have something in the resolution that the capital fund would be reimbursed 50% from the energy mitigation fund?

Drew - No, he believes passing the resolution instructs staff to pay this off and the additional instruction of replenishing the capital fund from the oil and gas mitigation fund, the general fund or whatever their motion says will be before them as a separate item.

Commissioner Samson - I move that we pass resolution exercising purchase price option under capital projects lease purchase agreement with notice and instruction to trustee authorizing the redemption of certificates of participation series 2006 and notice the Garfield County building corporation in that 50% of that be reimbursed from the oil and gas mitigation fund. Will that do it?

Discussion

Drew - If that is your intent. If he would like the other 50% to come from the general fund so that the capital fund is whole, that would be the way as the motion is crafted 50% comes out of capital and 50% out of oil and gas mitigation.

Commissioner Samson - But you wanted it general didn't you?

Commissioner Jankovsky - 50% oil and gas mitigation, 50% general fund then keep the general fund at \$12 million dollars.

Commissioner Samson - And 50% reimbursement to the capital fund from the general fund.

Commissioner Jankovsky - I second that motion. I just like to, I'm the new commissioner at the bench here and I'd just like to commend Commissioner Martin and Commissioner Samson for the job they have done in being frugal, and being fiscally wise in their use of county funds and because of that you've given us the ability to be able to do this for all the residents of Garfield County. It gives us a better county government and a stronger county so thank you for that.

MOTION

Commissioner  
Mike Samson

SECONDER

Commissioner  
Tom Jankovsky

VOTE

UNA by roll call vote

## 2. Public Meetings:

### a. Consideration of a resolution appointing members to vacated seats on the Advisory Committee on the Land Use Code of Garfield County - Tamra Allen

attachment Reso appoint new members letters resign & interest

Tamra - They recently had two resignations. Larry McCown strongly suggests filling these vacancies. The three candidates they have reached out to are; Michael Gamba, Chris Manera and Mark Beckler. She explained their experiences. They are suggesting Lisa Dee to fill Loren Prescott's position.

Commissioner Jankovsky - Lisa was on the list originally and actually here when they made appointments. She has attended meetings. I would like to select Chris Manera for this because he was an original applicant as well.

Commissioner Samson - So you would like those two? Is that a motion?

Commissioner Jankovsky - I will make that a motion, yes.

Commissioner Jankovsky - I will make a motion as above selecting Lisa Dee and Chris Manera.

Discussion

Chairman Martin - My concern is that you're more than half way through the process and you're putting two new people on even though they've attended one or two meetings, three at the most. Is it going to be fair to make an informed decision without going back and slowing the process down?

Commissioner Samson - I think those two will have to do a lot of homework to get caught up but if they've expressed a desire and if they've been coming to some of the meetings, then I think they'll have a commitment there to get caught up so they can make an informed decision. And as I always say, if we have people that are willing to serve in hard positions like this, I don't mean hard in some ways but I mean hard in others. It's quite a commitment, it's a lot of homework, it's a lot of sweat equity there and if their willing to do that and do a good job and I don't know why they wouldn't. I don't want to discourage them.

Commissioner Jankovsky - And as we know by reading code it's not fun. I saw Larry this weekend; I didn't talk to him about this. But I did ask the same question to Tamra and she just stated that Larry felt it was important to have two additional members in this group, on this committee and I would like to honor his request. All these individuals have some knowledge of our code.

MOTION

Commissioner

Tom Jankovsky

SECONDER

Commissioner

Mike Samson

VOTE

UNA by roll call vote

### b. Consider a request for a two (2) year extension of the Preliminary Plan approval for the Sages at Aspen Glen PUD. The Board approved the 10-lot subdivision on 4.243 acres within the Aspen Glen PUD on September 19,

## 2011. Applicant is Gerd Zeller - Kathy Eastley

### Attachment Sages at Aspen Glen Staff memo

Kathy read a list of exhibits. She received a request from Mr. Zeller for the extension due to the current economic situation. Staff recommends the board granting the extension.

Commissioner Jankovsky thinks this would be appropriate.

Commissioner Jankovsky - I'll make a motion to approve the resolution to grant a two extension to Mr. Zeller for the 10-lot subdivision on 4.23 acres within Aspen Glen PUD and the name of that would be the Sages at Aspen Glen PUD and allow the chair to sign.

Commissioner Samson - To file a technically complete final plat application by September 19, 2014.

Commissioner Jankovsky - That is part of the motion.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### c. Request to schedule a public hearing date for Board consideration of the service plan for the proposed Cattle Creek Metropolitan District. Applicant is Carbondale Investments, LLC - Kathy Eastley

#### Attachment Cattle Creek Metro District

Rocky Sheppard was present.

Kathy - This request is outside of the realm of the county's land use resolution and they are following statutory procedures on scheduling a public hearing. A public meeting is to be set to schedule the public hearing for consideration. They are required by statute to set the public hearing date within 30 days of today. The hearing should be Sept 4th, which is Tuesday, at 1:00 p.m.

Commissioner Jankovsky - I'll make a motion that we schedule a public hearing for September 4, 2012 for the Board of County Commissioners consideration of the service plan for the proposed Cattle Creek Metropolitan District with the applicant being Carbondale Investments, LLC.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### **3. Public Hearings:**

#### a. Consider a request for a seven (7) unit compressor station to be located in

the Rural zone district on the west side of CR 331 approximately 1.5 miles southwest of Silt. The proposed facility will be known as the Dry Hollow Compressor Station and the applicant is Antero Resources Piceance Corporation - Kathy Eastley The Applicant has requested withdrawal of this application

Attachment Dry Hollow Compressor Withdrawal

Kathy - She did receive a request from the applicant to withdraw the application at this time.

Chairman Martin asked if she had written notice and she did. There was no action necessary.

b. To consider a request for a Land Use Change Permit for a Limited Impact Review application for a Communication Facility on a 1,333 acre parcel located at 4289 County Road 215 (File No. LIPA 7277). The Applicant is WPX Energy Rocky Mountain, LLC - Molly Orkild-Larson

attachment Parachute Creek Communication Facility

Phil Vaughan, Bill Hayes, Yancy Nichols and Donna Gray were present.

Phil Vaughan will answer all questions.

Carey - Notification has been accomplished and the board may proceed.

Chairman Martin - Swore in the speakers.

Molly read the exhibits into the record and gave a power point presentation.

Chairman Martin put the exhibits into the record.

Phil agrees with staff recommendations and has no further questions. He did want to note the waivers they are asking for. The FAA form they don't have a problem filing but it doesn't apply to their project. They are not required to file this form. If possible they would like to be allowed to receive the necessary building permits, which were submitted a number of weeks ago.

Carey - she wanted to note for the record; these would be a waiver from the standards in Article 7 and it must be in the motion.

Commissioner Jankovsky - Motion to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky - I'll make a motion that we approve the request for a land use change permit for an application for a communication facility on 1,333 acre parcel located at 4289 County Road 215 with the applicant being WPX Energy rocky Mountain, LLC with the eight findings and four conditions as recommended by staff and in addition to that we allow the applicant to go forward with their necessary building permits and allow the chair to sign.

Chairman Martin - So you waived the screening and the FCC and added building permits to be issued immediately.

Commissioner Jankovsky - I didn't waive condition 4; I think they've got it covered.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**c. Review and Consideration of a text amendment amending Article 5 of the Land Use Code as proposed in the document titled "Garfield County Targeted Code Improvements to Improve Efficiency and Reduce Barriers to Economic Development" - Tamra Allen, Fred Jarman**

**attachment Article 5 Text Amendment**

Carey - This is a noticed public hearing and notification was accomplished by publication, which she has proof of.

Chairman Martin swore in the speakers.

Tamra read the exhibits into the record and gave a power point presentation.

Commissioner Jankovsky had some questions just to educate him. Most of his questions are in the exemptions.

Tamra - It does refer back to state law; they wanted to provide the reference there were other options available.

Fred - For divisions of land that are greater than 35 acres; it is exempt from the county's regulations. They would simply go to the courthouse and file a legally recorded document; a deed describing those 35 acres and they would not need to go through Garfield County. When dividing those lands they have to make sure that all the resulting parcels are still greater than 35.

Carey - There are actually 10 different defined exemptions and rather than repeat them in the code the reference is built in to say there are certain types of divisions that are automatically exempt by state law. The first one is exempt from subdivision is division of land which creates parcels of land such that the land area of each of the parcels when divided by the number of interests results in 35 acres or more per interest. The second are those created by court where its permitted; the third is which is created by lien, mortgage, deed of trust or other security instrument and then the list goes on.

Commissioner Jankovsky - On 5-5 public county road split exemption. Is that when a road is put in? They had that situation in Sweetwater; there was split of a lot and a road going through, one lot was on the other side but that was all considered one lot. They went through the subdivision process to get it split. The way he reads this maybe it should have been two lots in the first place.

Chairman Martin - The creation of that road; the parcel was created, 35 acres or greater and the road ran through but that cut the prevented use. At that point, that's why it is through the process to create that lot because of that cut.

Commissioner Jankovsky - The Stevens came in front of them to create a new lot...

Chairman Martin - It was already created but this would have recognized it was created but there still has a burden of proof to say that road was causing a hardship and that

continuous use wasn't allowed or safe enough to use etc. but that lot is being created. That's the way it used to be.

Fred - This is an identical provision. It's an opportunity for someone to come in who owns a larger tract as the Chairman is describing that has a county road running through it. They would come to the board in that case and make a case that the road has prevented joint use over the whole tract and they have the opportunity now to create the balance as another lot. Black Diamond was another good example. This isn't seen often.

Commissioner Jankovsky is wondering why the Stephen's didn't do that through an exemption process instead of coming in front of the board.

Carey recalls is that Commissioner Jankovsky is thinking of the Froning Subdivision; there was a parcel divided into five lots one of which was divided by a road. Stephen's both front a county road.

Commissioner Jankovsky also wanted to talk about the 1973 exemption; that is if you have a parcel of land that has not been subdivided since 1973; you have a right to subdivide that. Is that correct?

Fred - Yes.

Tamara - If it's greater than 35 then they can have four parcels, less than two parcels.

Commissioner Jankovsky - In those cases would you just go file that?

Fred - It's actually an administrative process, it used to come to the board. The plat still has to be signed by the Chairman of the Board of County Commissioners. It will show up as a consent.

Chairman Martin - Only sticky point do they have adequate water to those lots.

Fred - By your signature, you are saying they do. When staff receives an application, they begin the timelines, do analysis, do referrals then the board reviews via e-mail. If there are no comments from the board, he deems it approved and then it comes to the board for signature. When they receive the e-mail, they have the opportunity to call it up before the board and hear the issues.

Commissioner Jankovsky - Next is the rural land development and exemption, which is a cluster exemption?

Fred - It is.

Commissioner Jankovsky - You can do a cluster on 70-acres or more; number two says the subdivision shall be for single family dwelling use only and the density shall not exceed one lot per every 35 acres, one lot per each 100 acres plus one additional lot. You can cluster those and you have to keep 80% in open space or agriculture?

Fred - That's right.

Commissioner Jankovsky - That is an exemption.

Fred - If they want to create more than he thinks ten lots then the process is elevated and would go through more of a public process.

Tamara - She thinks he is thinking of the conservation subdivision, which that is actually the case.

Commissioner Jankovsky - On page 5-8, the only comment he has; on review, criteria number 8 and 9. Number 8 says review criteria is for agricultural lands but 9 says 80% will be open space. Wouldn't 80% also be agricultural?

Tamara - As defined in Article 16, open space does include agricultural.

Fred - That was the intent and by design. Chairman Martin was here when the original regulation was approved, he thinks in 2001. The theory was you take these larger tracts that could have been subdivided into 35-acre tracts. The thought was instead of doing that can we devise a regulation, a framework that allows them to get as many 35's as they would have normally. But, have them be much reduced lots; 2 acre lots instead of 35's. The balance of that by going through this process an applicant would gain more bonus lots by "A" going through the process, "B" the size of what they're doing and then three the amount of open space they're providing. It is an incentive regulation and you are able to achieve in many ways a much better land use pattern and still provide for an open agricultural tract. He thinks there have been four or five that have come through. Commissioner Jankovsky - By open space it does have a conservation easement on it? Fred doesn't believe it's required.

Commissioner Jankovsky - What's to say you do that, split it up you have ten parcels or whatever; what's to keep the person from coming back and doing it again?

Tamra - Often times you will see that as a plat or a deed restriction if people don't opt for the conservation easement.

Fred - The state law provides a very similar regulation that this was modeled from. State law talked about a 40-year term easement.

Jack Pretti is here today speaking as the chair of the governmental affairs committee for the Glenwood Springs Association of Realtors. They are not here to endorse or support any particular position on anything that has been brought forth so far. They would like to applaud their efforts and direction in going with targeted goals of their project in reducing the requirements and criteria in land use development. They will probably be back to make additional comment at the time the recommendations come forward.

They just want to support everything gone on to date.

Patrick Stooky was just here for observation.

Commissioner Jankovsky - I'll make a motion to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

Commissioner Jankovsky - Now I'll make a motion that we approve a text amendment amending Article 5 of the land use code as proposed in a document titled Garfield County targeted code improvements and allow the chair to sign.

### **Discussion**

Chairman Martin - You've been very quite Mr. Samson.

Commissioner Samson - Well I had to look off of yours because of all the things I had to bring that was the one that didn't make it from Rifle this morning and I apologize.

Chairman Martin - Was mine different from yours?

Commissioner Samson - It was, mine was much simpler and yours was really wordy.

Carey - The only point of clarification I would make before you vote on your motion; something I was remiss to do last time when you revisited several articles is to establish effective date for when these would become effective. I would recommend them as included in the draft resolution that Ms. Allen has prepared, that they have an effective



date of August 13th. That would be the same effective date as Article 3, 4, 7 9 and 16 that are coming back before them in resolution form next Monday.

Commissioner Jankovsky - I'd be happy to add that to my motion.

Commissioner Samson concurred.

Drew - The status of the other articles is that they are for consideration again on the 13th with that as an effective date I thought. Or has the date of the 13th been established?

Carey - It has not been established. It was recommended by council at the meeting where Commissioner Martin was absent. In the interest of allowing him to ensure that he gets his vote at that time. She believes it was Commissioner Jankovsky that recommended the matter be continued until the 13th. The proposal would be that the remainder of those articles become effective on the date of the resolution.

Drew - And this article would be treated the same way?

Carey - This article could be treated one of two ways. We could either include it in the same resolution with the others that's coming before the commissioners next week, or we do have a draft resolution that they can move forward with today but it does identify the 13th as the effective date.

Chairman Martin - Which brings up the other ones that wasn't there and this is the recommendation also of not only P&Z but also the advisory board on these articles.

Carey - For the effective date of the articles?

Chairman Martin - On the articles themselves.

Carey - No this is not advice from your advisory committee this is advice of counsel.

Chairman Martin - And so the advisory committee has not made a recommendation on these articles.

Carey - That's correct. The advisory committee has not made a recommendation on the effective date of the planning commission's board and articles.

Commissioner Samson - Not today, but as of today they have not.

Carey - Correct.

Commissioner Jankovsky - I would like to see these articles move forward. There are individuals that are kind of waiting for these articles to be approved, they can move forward on projects and so forth and I would hate to see us postpone those.

Chairman Martin - My only question is if there is an issue with some of the articles this is for clarification, the committee can make a recommendation. there's a method of text amendments that we can go through if we have a change or a recommended change wither by P&Z, ourselves or the advisory committee that process is still in effect that we can make text amendment changes is that correct Fred? Even with the recommendations the article is put into play, they are still subject to review and change.

Fred - Always. The land use code you have is an amendable document for its life. That can happen any time.

Chairman Martin - I want to make sure those recommendations can be removed at any time even though we put these articles in effect.

Drew - I understand that point. I understand Commissioner Jankovsky's point as well as your administrator I would be remiss in not advocating, as I am now, for certainty. And that the two rounds of your phase I code review will be complete if you pass this resolution and if you set the effective date on August 13th, either that day as the effective date or on that day some other date. And it's very important and consistent

with your directive to me with respect to streamlining the code, having the code be pro-business code and to be supportive of your economic development efforts to have this section finalized. That said I believe the spirit of your question is, is there still up and running your land use code advisory committee. Yes there is. And is there a mandate broad enough to reconsider this or any other aspect of the code; yes it is. But in saying that I want to be crystal clear how essentially this is to get this passed, get this running so those who do land use business in the county can rely on it. All of them, it's critical. I don't want to confuse one with the other.

Chairman Martin - The same discussion I had with another counselor in 2008. The same issue, the timeline and the need to get things finalized and in final form, so people could go forward. We'd struggled with that since 1973 until 2008 through amendments and adoptions and on through. It will never be final. But at least there will be a working form that we can use and they'll be some consistency. My point is if it is wrong and we act on it we still have the ability to make changes and that's what I want to make sure that we do and we don't put ourselves in a corner on all of the different issues such as the one that caused the most consideration that had to be in general conformity of the comprehensive plan. Now it's in again, not a requirement but it needs to follow those guidelines and that has taken from 2008 to 2012 to get changed, that's four years. Again, I want to make sure that we're able to go ahead and do that, listen to our advisory committee, listen to our P&Z, listen to our staff and listen to ourselves in how this applies. Because we want to be fair to all people that do applications, not just to have a set of rules that we have to follow and we can't do that because the code says we can. We want to make sure that this code is right. That is can be used, it can be amended and it can be adjusted when necessary and that's what I'm after. Simple to use, easy to read and user friendly. Cause it isn't right now. It's very expensive to go through the process. Again back to what Tom is trying to do is to move these along so that people who have applications that know what the rules and regulations are can move forward. We're sympathetic to that. But I don't want to put them in a quagmire saying you got a catch 22 now and you can't get it done. That's why I wanted the clarification, we still have the process. And if we don't like it, we need to change it. I don't know how many times I've heard this is your code; no it's not it's a code for all people.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

## **COMMISSIONER ISSUES**

### **a. Commissioner Reports**

Commissioner Samson wanted to present the county with the bill of sale and assignment for mutton busting and roping statutes and also the appraised value, which might help with all the things we need to do. We had the dedication of that Monday and had 30 to 35 people there. Suggested pictures of the statutes be put on the website. He has been in contact with Mike Braaten who is the Government Affairs Coordinator

for the City of Rifle. They are working on a project and looking for partners and so on and so forth concerning childcare. As you know RE2 school district is going to a four-day workweek. That will put a lot of pressure on the RE2 school district boundaries as to what to do with their kids on Fridays.

Chairman Martin - As well as the extended hours. Daycare isn't used to going on a 10-hour day.

Commissioner Samson - Just a heads up. Mike is forming a group trying to pull in DOLA as well as some others and get some funding. We'll probably be approached in the future.

Commissioner Jankovsky - Let me put in a plug for Sunlight Mountain Resort; they will have special programs on Fridays once they are open on Fridays. Ages 8 and up.

They will have programs for younger.

Chairman Martin - Didn't hope the facility in Rifle closed.

Commissioner Samson - Point number 2; I think I made a copy concerning the statewide prison utilization study. That is a great concern because they are not sure what will happen through the department of corrections and will there be a recommendation to close the facility. He will talk with Mike and see if he wants to come before them concerning these two things. Number 3, I with Sue Daley the coordinator with CMC and Stan Jensen, President of CMC; two major things there. The first one is on September 6th that is the date of the next Northwest Oil and Gas forum. It will be at 10:00 a.m. at CMC in Rifle. As you know as County Commissioner and I forget the guy but they just put a new director for oil and gas, it used to be Tom something. Now they have a permanent one and he'll be there. The idea is CMC wants to have luncheon immediately afterwards, at noon. The purpose is to talk to the oil and gas operators about what CMC envisions in expanding their role as the educational institution in training people for oil and gas jobs. They wanted to know if we would co-host the luncheon; I don't have any problem with that. I think when you look at, didn't EnCana give like \$3 million and Williams \$1 million for the building of the CMC facility. They've got an investment there.

Chairman Martin - And the Cloud family.

Commissioner Samson - Excuse me I should have mentioned them. I think we need to do all we can to try and get our educational institution, in this case CMC, to help that industry and that industry to help them for our economy here.

Commissioner Jankovsky - I think it's not only just oil and gas energy, all forms of energy.

Commissioner Samson - I don't think we need a motion per se.

Drew - Will the luncheon be at CMC in Rifle?

Commissioner Samson - Yes.

Drew - What I would suggest is have CMC send a bill for 50% of the lunch to us and if you want that out of your discretionary fund, we can do that or economic development funds it would qualify certainly. So your arrangement is exclusively with CMC, another public entity and not on behalf of any corporation.

Commissioner Samson - Excellent. We don't need a motion for that do we?

Drew - No, it's just direction to staff. If it appears as coming out of your discretionary we'll just add that to a consent agenda as a bill.

Commissioner Samson - I think it would be a good idea for us to be at the Northwest Oil and Gas forum meeting from 10:00 a.m. to noon, to hear what's going to be said, be at the luncheon and to meet the man. It's Thursday, September 6th, 10:00 a.m. to noon and then the luncheon is at noon. I don't know if the legal requirements say we have to post that, if we do whatever. There is no decisions that are going to be made, it's just information. If it needs to be posted, post it the three of us will be there.

Carey - I do recommend posting it.

Commissioner Samson - Sue Daley also had, I thought I made a copy for each of you. She would like a letter from us that basically is supporting Colorado Mountain College in creating a partnership in science education and Chevron will be giving to Colorado Mountain College, RE2, RE16 and DeBeque school districts basically a \$1/4 of a million dollars to help them with science education. It's nothing to do with us, it's just writing a letter of support. I think we would jump on that.

Chairman Martin - Get the details to our administrator to get a letter written.

Commissioner Samson - Lastly, probably invite Nancy Cramer, she has a proposal she gave to Associated Gunman's of Northwest Colorado; which I chair up in Kremmling was our last meeting, not Kremmling but Haden where the airport is. She is looking for matching funds; the cities as well as the county for the signs that they have made and created and so on to put up throw out Garfield County. So I'm going to invite her to come to our next Monday and give us a presentation.

#### **b. Commissioner Calendars**

Commissioner Samson - Let me say hats off to everyone for now. You want to put that in the website that's fine we with me too. That the commissioners said thank you to all the employees and all the volunteers and everybody especially the FairBoard did a great job. The three of us were down there and saw different activities and so on and so forth. I believe that is the biggest crowd that I've seen for a rodeo in years. The stands were packed for the rodeo. They always are packed for the demolition derby. One other thing with the parade five out of six mayors where there. Tomorrow we have work sessions at 8, 9, and 10:00 a.m. I think as the sheriff told us there are various night outs. I'll be going to the one at Battlement Mesa, but I will try to hit a few others. On Wednesday the 8th I'm going to attend the lunch and learn. It's going to be here and they are talking about mid-streaming. It's noon to 1:00 p.m.

Drew - If you don't mind we might notice that also just in case there are two or three of you and those are issues that may come before you at some point.

Commissioner Samson - I expect the three of us will be here about 8:00 a.m. on Thursday the 9th for the county picnic, which is 11:30 a.m. to 2:30 p.m.

Drew - It's 11:00 a.m. to 2:00 p.m.

Chairman Martin - It takes three hours to get ready at least.

Jean - It's 11:00 a.m. to 1:30 p.m.

Commissioner Jankovsky - Last year the grill didn't pull in until 9:00 a.m.

Commissioner Samson - This time we'll get it there earlier. Okay be there at 8:00 a.m. From 5:00 p.m. to 7:00 p.m., we have been asked to go to a grand open for a conservation seeding and restoration company that's at the corner of Silt Mesa Road and Miller Lane.

Commissioner Jankovsky - What was the date on that?

Commissioner Samson - That was that evening of the 9th from 5:00 p.m. to 7:00 p.m. That's the best address I can give you, you might have to call and ask them Jean. They are dealing with re-vegetation of native plants.

Drew - Grand opening of a new business; is that what it is?

Commissioner Samson - Yes. Notice that also.

Drew - I have one notice with all that on it.

Commissioner Samson - I don't think that's necessary but if you guys do go for it. Then we have the Colorado River Fire Fescue meeting. Are you planning on attending that, I'll be there.

Drew - I'll do my best.

Commissioner Samson - Then on Friday is the Western District CCI meeting that you should notice we will be in Montrose at 10:00 a.m. Meet at the airport at 7:30 a.m.

Chairman Martin will drive his own truck.

Commissioner Samson - We're you going to go?

Drew - Yes.

Commissioner Samson - So you and Tom will meet me at the airport at 7:30 a.m. On the 13th a BOCC, on the 14th I'll probably be going to a coal conference in Craig representing AGNC. The 15th we have an FML meeting at 9:00 a.m. The 16th we've got public interviews right here in this room from 5:00 p.m. to 6:00 p.m. with the county attorney's in the boardroom. The 17th the three of us will be interviewing all day long. I had a question for you, is this correct on the 18th from 4:00 p.m. to 7:00 p.m. there's a Burning Mountain Fire Department barbeque?

Chairman Martin - The pig roast; that's a fundraiser.

Commissioner Samson - That's in Silt at the Stoney Ridge Pavilion.

Chairman Martin - That's the new facility; it's up on the hill behind the old school.

Commissioner Jankovsky - I have a letter from Moffat County they would like to have all the counties sign; they are working on sage grouse. I don't know if we need to have that on the agenda to sign that. It basically says; he read the letter.... I think it's a letter they need to sign and other counties will be signing as well. It's due ASAP.

Drew - Can we get it on for Monday?

Commissioner Jankovsky - Next Monday would be fine. Tomorrow after our meetings, I'm going to meet, for about a half hour with GCE. They're going to inform me on some of their plans they have to meet their goals. Also, GCE has been approached by Chesapeake; there are potentially some funds available for a CNG fueling station in Glenwood Springs.

Commissioner Samson - What ever happened with working with Weld County and so on to get some grants or funds?

Commissioner Jankovsky - There's been much discussion with Weld County. The Weld county funds came from the Front Range clean air initiative or whatever which we aren't a part of that. But that's where they got their funds for five stations in Weld County.

Commissioner Samson - They don't want to help us over here, the Front Range.

Commissioner Jankovsky - No, they're not interested. 1:00 p.m. tomorrow John and I are going to meet in Silt to talk about travel management in their RMP in particular roads that come off private lands and go onto BLM lands. I think that's almost a

discussion where you need to look at these roads one by one and I just appreciate John going there with me because he has the historical perspective on those roads.

Chairman Martin - No decisions made, information and exchanges. There is no public action to be taken.

Drew - You're discussing policy on roads.

Commissioner Jankovsky - We are discussing with the BLM; the BLM has asked us to be there.

Drew - I would defer to the county attorney; but I think that you would need to send one.

Commissioner Jankovsky - If that's the case I would ask that John, because of your historical knowledge.

Chairman Martin - We do have some maps, we do have some issues, we also have a contract employee that may need to do some work. We're only working on one road.

Commissioner Jankovsky - From the RMP they're going to address these as administrative decisions and look at them one on one. In some cases, it may be a rancher comes off his private land and goes onto BLM for a grazing permit. But in other cases it may be that they come off private land for hunting. They are all different issues.

Chairman Martin - It is a hot topic. I know that Mesa County is going through that particular issue on administrative actions on some areas that are open for hunting licenses that cross private land; but they have to stay on the roadway, however administratively they've closed those off so they isolated some hunting areas so no one can get into them now. So that is one of the issues that is coming up on the administrative process. Also you vacate a road is one of the issues as well through the state process is different than the federal process.

Commissioner Jankovsky - I guess the other issue is public roads that go onto private land and then come back onto BLM land and that they not be gated on private land.

Those are different issues.

Chairman Martin - I can be there; that is no problem.

Commissioner Jankovsky - I'm meeting at 9:00 a.m. with the BLM on their grazing group. Just trying to get some idea from them because I haven't talked to anybody on grazing in this RMP. I just want to make sure they're okay with what's happening there. There will be permit holders from Garfield and Mesa County. Tom Trumbull has been the local rancher that's been on the RAC committee looking at those issues. Garfield County Clean Energy has a meeting at 10:00 a.m. in Rifle. I do want to be at lunch and learn as well. I think midstream kind of blew up and became an issue after EAB on Thursday. There was a comment from one of the EAB members who felt that all pipelines should be in one easement and wanted a resolution passed by EAB concerning that. I kind of went out and talked to Donna Gray about that stating that there probably needs to be some sort of education to EAB about how midstream pipelines work. Because we obviously don't permit every pipeline, in some instances we do such as the Kokopelli but most places we don't. If you start trying to put all pipelines into one easement then you end up with I-70 type of easement going through private lands and so forth. I am looking forward to listening to that at lunch and learn on Wednesday.

Chairman Martin - It could be a real hornets' nest especially if it happens to be putting federal minerals in a private crossing across the pipeline owned by a third party etc. There's all kinds of transaction fees, input fees; it is a real nightmare in reference to

taxation, metering and a few other things. It's worth a discussion. In the same corridor, there's also a safety setback between pipelines. There has to be so much in safety the same as power lines. You can't put all power lines right next to each other because they do interfere with each other. There has to be a safety distance between them. Pretty soon, you've got a real couple mile wide swath of property and how that affects private property as well as public lands and the uses. It's not as simple as just putting everything in one corridor. You have to work on it but there's a lot of business action that leads up to cooperation or coordination of pipeline and the distribution and deliveries of what's in it from oil to gas to water etc.

Commissioner Jankovsky - On Thursday from 9:00 a.m. to 10:00 I do have a risk management meeting with Betsy and Drew. I am going on an oil shale tour on the 16th and be back for the reception. Bob Weedier will be here and his group has asked us to become a member; his group is called Rural County Environmental Public Lands Group. John knows Bob; make sure Mike gets a chance to meet him as well.

Chairman Martin - Mr. Samson and I met with the Division of Wildlife on the grand opening and the first of August. They went to Rifle of course, did our dedication. On the first, I met with Senator Bennet's representative former chief of staff in reference to Thompson Divide, Thompson Coalition in reference to our resolution that we had passed, reaffirmed and passed. They wanted to make sure it was accurate because there have been a lot of reports that we are back peddling on Thompson Coalition. We assured them that we are standing with our resolution as it is. We're into mediation not litigation and Senator Bennett also passed on he is not into litigation but mediation. He is going to attempt to move forward on that particular issue.

Commissioner Jankovsky - I did meet with Frosty, the Carbondale trustee on the 31st and there was a discussion about Thompson Divide. I just gave him the same information that we are trying to get the two parties to talk to one another and Frosty said he was going to try to talk to some of the decision makers with SG. We'll see where that goes.

Chairman Martin - There's a lot of discussion in reference how it's going to affect Four Mile and what have you and again that's the designation of haul route that will have to be discussed here and that has not been discussed at this present time. Also would probably have input from the City of Glenwood Springs as well. County fair, had a great time. I had four items for staff; number 1 there has been a concern in reference to the condition and maintenance of the trail, which was a land use approval process on Aspen Glen that runs along County Road 109. It has fallen into disrepair and lots of potholes and no maintenance. They want to know if the road and bridge people are supposed to have maintained that and to rebuild it. I assured them it was the responsibility of the homeowners association at Aspen Glenn; we'll need to do some kind of review and make recommendations to the proper people.

Commissioner Jankovsky - I believe actually that is; they're on the other side of the road where that is owned by Melrose and there's 25 lots in there, and he's not sure if it is in Aspen Glen.

Chairman Martin - It's their trail and that's where they chose to put there trail. And again they didn't keep it on the golf course they moved it across the street with a maintenance agreement. I think Fred is aware of that one. We'll need to look that up to make sure we contact the right people to satisfy that maintenance issue. We also need to have an

update and I know that Drew has been working with it on 108 Road in reference to our traffic calming devices up by the ranch up there; Crystal River Ranch and we should see some action on that one in reference to a contract between the property owner and this board as well as some kind of procurement action or a bid process and that's in the future I understand.

Drew - It's in the future. I can update you on that.

Chairman Martin - Anyway we'll need to do that. The other one is a request to consider assisting the Little Red Schoolhouse at Canyon Creek. This is their second request to us. They are struggling with that historic structure which was a public school house that is used for many things. As kind of a community meeting room, dance, wedding receptions and you name it takes place. They need a little help on their foundation; they're starting to lose their building. They were going to put a proposal together and sit before us to see if we have discretionary funds to assist because they were so pleased with the outcome of the Silt Historical Museum.

Drew - Who owns the Little Red schoolhouse?

Chairman Martin - I believe it a community owned building; it's a non-profit. There's a woman in charge of it who is also part of the Silt Historical Society. Then the big one which is down in Tom's neighborhood on 108 and 154 Road and Tom has heard endless calls on this particular issue. The Division of Wildlife issues a permit to rafters to go in and out of the river there and part of their agreement with us as one time was if we widened for a parking area they would make sure that whoever they are issuing permits to would have a port-a-potty or several at that site. There are no port-a-potty's this year.

Commissioner Jankovsky - There wasn't one last year either. I have heard about that. Is that a DOW boat ramp? It's private land is it not?

Chairman Martin - It's leased with a private landowner and again for our efforts they agreed to make sure there were port-a-potty's there. Apparently, we have fallen down on the issue; we'll need to look at that particular agreement in place.

Drew - What's the evidence of the agreement?

Chairman Martin - We did improvements in reference to parking area and access to County Road 154; the Division of Wildlife issues permits to outfitters to go in and out there and the agreement with the private property owner is that they wouldn't use his private property for a bathroom facility that the port-a-potty's would be there.

Commissioner Jankovsky - That goes all the way back to Walt Stowe; Walt was on the board when that was done.

Chairman Martin - So that's 2002 or 2003.

Commissioner Samson - On the 29th of August, I think I sent an e-mail to you both, Steve Rippy 10:00 a.m. library trail dedication. I'm glad to report there is new g-money, the RAC that we found out about. There's going to be a meeting on the 19th of September but I may have a conflict with that. Hopefully we'll get some more money.

Chairman Martin - A request to the administrator is to be able to use the website and to solicit photographs of previously elected officials and I have the list. It was one of the historic projects we started with, with photographs of all the elected officials of Garfield County from 1883 to present and there are several that I do not have from the treasurer, the assessor, coroner, surveyor, sheriff, county commissioners, clerk and recorder; we



need photographs. But if I was able to put that list of those we don't have photographs people using our website could submit those.

Drew - You're asking to publish a list requesting photos of those elected officials for whom we do not yet have photos.

Chairman Martin - That's correct. This one is 1887; we do have a photograph and do know that they are there.

Drew - I have a few items of a calendar nature. Commissioner Jankovsky tomorrow at 3:00 p.m. is a meeting of the investment advisory board in the treasurer's office. We mentioned it earlier this morning, August 23rd is your combined work session with Parachute Town Council from 6:00 p.m. to 7:00 p.m. and then from 7:00 p.m. to 8:30 p.m. a town hall. The meeting will be held at the Battlement Mesa Activity Center, 398 Arroyo Drive and Renelle did get ads published in the papers down there. At Commissioner Samson's suggestion, we're going to have Jeff Nelson present an update on the west Parachute interchange. The last item I have that has to do with calendars is you had either been contracted by the Delta County Board of Commissioners requesting or you had offered to them, or both, a site visit of certain oil and gas activities including those that are, that coexist with the businesses. Like the organic farm, and there's a request from your oil and gas liaison to pick days when all three of you could be available. I think we're looking at half days. I don't know if you could consult your calendars and give everybody enough time to get this organized. So I think you're looking to September or maybe even early October.

Commissioner Jankovsky - We have an application in front of us, I think it would be very difficult for us to do that for that part of that tour.

Drew - When is the hearing date for that?

Commissioner Jankovsky - Sometime in September.

Carey - I would have to confirm the date through building and planning. There are going to be a handful of operators that would have this new type of conflict with planning applications. I think we could probably work with the oil and gas liaison on a presentation of a general manner but the coexistence if you may, will be timed based on the pending applications.

Commissioner Jankovsky - I had to not go to a Roaring Fork Food Council meeting because that was a discussion last Monday.

Drew - The other alternative would be to allow your staff to host the Delta Commissioners. We can work a date convenient to them.

Chairman Martin - As long as we follow the policies and not have them not include the commissioners on that particular issue. That could be accomplished.

Drew - Done.

Chairman Martin - But the commissioners attempting to give information maybe you as exparte communications etc.

Commissioner Samson - I had on the 7th it said 11:30 ballot.

Jean - That's for the election, that's the lot drawing if they can be there. We will draw chips.

Commissioner Samson - When is it that we were going to discuss the open land ballot question?

Drew - It's coming up a week from today.

Commissioner Samson - So that was the 14th?

Drew - 13th on your regular agenda.

- c. **Approval of Minutes**
- d. **Commissioner Agenda Items**

### **ADJOURNMENT**

### **SPECIAL WORK SESSION**

- a. **8:00 a.m. Grand Avenue Bridge Project Update - Terri Newland**

[Attachment Grand Avenue Update](#)

- b. **9:00 a.m. CCOERA Presentation - Jake Kuijper**
- c. **10:00 a.m. Mesa Vista Assisted Living Residence in Battlement Mesa and the USDA  
Rural Development financing issues - Teri Whelan, Senior Housing Options**

**This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. If special accommodations are necessary per ADA, please contact 945-5004 prior to the meeting.**

**Prepared by: Jena Thompson**

## **August 13, 2012 PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

**ROLL CALL - 8:00 a.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA - 8:05 a.m.**

Bob Millette - Thank you for allowing me to speak this morning. I would like to comment on a meeting that you as Commissioners attended in Vernal, Utah on March 2nd to discuss and formulate policy on oil shale. This meeting was illegal and that it violated Colorado's Sunshine Law. This law states that, "any state or local government body that meets to discuss public business or to take formal action do so in meetings that are

open to the public. This meeting was not open to the public. Uintah County was present at that meeting also has already admitted wrongdoing in attending this meeting without prior public notice. They have rescinded their Resolution regarding oil shale. You are Garfield County Commissioners also broke the law and that you took part in a strategy meeting about public lands and oil shale development with oil shale lobbyists, namely American Oil Shale, National Oil Shale Association and Red Leaf Resources without public presence. Illegal oil shale resolution adopted by both Garfield and Uintah County was a political strategy to back a radical plan that locks up over 2 million acres of taxpayer owned land to oil companies for oil shale speculation despite great risk to our precious water supplies. Therefore, I have two requests to you. One request that Garfield County follow the example of Uintah County and rescind the illegal oil shale resolution. You should be working to protect Colorado citizens and its water instead of doing favors for oil lobbyists. Second, I request that Garfield County pledge to stop doing a meeting in secret with lobbyists to discuss public business. Public business should be done in public. Thank you.

Chairman Martin - Thank you Bob.

Commissioner Jankovsky - Bob, I'm surprised by your arrogance that you sit here and tell us that we did something illegal. I am very, I guess a little bit upset and I'm discouraged in your behavior.

Bob - So you don't think you violated the Colorado Sunshine Law in this meeting.

Commissioner Jankovsky - No, we did not.

Bob - Okay.

Anita Sherman - Thank you gentlemen. I don't come here with a statement this morning, I come here with a question. I'm going to direct this question to Mr. Tom Jankovsky. Mr. Jankovsky, have you ever received at any time a contribution from SG Houston and the organization that is looking to open up its leasing processes and drilling processes in the Thompson Divide?

Commissioner Jankovsky - No, not for SG Houston.

Anita - You've never received any contribution from SG Houston.

Commissioner Jankovsky - No.

Anita - Have you received any contribution with employees related to SG Houston?

Commissioner Jankovsky - Yes, I have.

Anita - Thank you.

### **REGULAR WORK SESSION:**

**1. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**

**a. Approve Bills**

- b. **Authorize the Chairman to sign a resolution memorializing the public hearing and decision for the Homesteads on Miller Lane Preliminary Plan located on a parcel owned by JimBob Ventures II, LLC and accessed from Miller Lane (County Road 227). Applicant is JimBob Ventures II, LLC - Molly Orkild-Larson**

[attachment Homestead Estates Resolution](#)

- c. **Authorize the Chairman to sign a Land Use Change Permit for West Rifle Communication Facility located on Clough Sheep Company, LLC land accessed from SH 6 & 24 and located approximately 1.4 miles southwest of the City of Rifle - Molly Orkild-Larson**

[attachment West Rifle Communication Facility Land Use Change Permit](#)

- d. **Authorize the Chairman to sign a Land Use Change Permit for Processing and Material Handling for the Parachute Creek Gas Plant Expansion located on land owned by Williams Production RMT Company LLC/WPX Energy Rocky Mountain, LLC accessed from CR 215 & Man Camp Road and located approximately 4.3 miles northwest of the Town of Parachute - Molly Orkild-Larson**

[attachment Parachute Creek Gas Plant Expansion Land Use Change Permit](#)

- e. **Authorize the Chairman to sign a resolution memorializing the public hearing and decision regarding a request for the Parachute Creek Communication Facility on land owned by WPX Energy Rocky Mountain, LLC accessed from CR 215 & Man Camp Road and located approximately 4.3 miles northwest of the Town of Parachute - Molly Orkild-Larson**

[attachment Parachute Creek Communication Facility Reso and Permit](#)

- f. **Authorize the Chairman to sign a Land Use Change Permit for a Parachute Creek Communication Facility on land owned by WPX Energy Rocky Mountain, LLC accessed from CR 215 & Man Camp Road and located approximately 4.3 miles northwest of the Town of Parachute - Molly Orkild-Larson**

[attachment Parachute Creek Communication Facility Reso and Permit](#)

Commissioner Samson – I will move that we approve the Consent Agenda as presented and chair sign.

MOTION

Commissioner  
Mike Samson

SECONDER

Commissioner  
Tom Jankovsky

VOTE

UNA by roll call vote

## 2. County Manager Update : Andrew Gorgey

### **a. Public Meetings:**

#### i. Public Land Issue Update - Ken Brown

Ken Brown - Western Colorado Counties, I appreciate being on the agenda early so I can make it to Meeker to visit with the Rio Blanco Commissioners. I will review some issues with you. We received a packet of material, so we can follow along in those areas.

1) PILT Full Funding - This expired in 2012, was due to expire in 2012 and was given a one-year extension, so we will receive payment in June of 2013 for the extended year. That will give us one-year to go back to the drawing board to try to get something done on a more permanent basis. This past year we talked about with Congressional people and the Interior budget office about doing something on a permanent basis with full funding. Of course, the deficit went on deaf ears as far as a permanent basis. The next step was to ask for another five-year plan and that didn't go anywhere either. What I'm saying this year we are fortunate to have a one-year extension with full funding and we hope we can do something in a more permanent basis after 2013.

Chairman Martin - Ken, also because Garfield County formed this special district in reference to the Federal Mineral Leasing District under the new state statute, PILT should be recovered instead of what they are doing with the prior year offset, which you have a history on that. We're hoping the solicitors will restore the entire payment to Garfield County instead of taking the prior year offsets off. That is something for you to watch as well. Mesa, Rio Blanco, Weld, there are eight counties, four left out of the eight.

Commissioner Samson - Four left, the main ones are Garfield and Mesa County. Ken, my question to you is how is that being received by the Interior Department, do you get any feel from Secretary Salazar or any people in that Interior Department how they feel about the Federal Mineral Leasing Districts in Colorado.

Ken - Well, the Districts per se I think they hope you don't have any protection so part of your PILT money goes back to an offset category to the government and I supposed on a 50/50 basis Mike, how they are kind of responding to the districts.

Commissioner Samson - Okay.

Chairman Martin - We were hoping we would get some official word from the Interior but we haven't yet. We'll see how that works.

Ken - I've asked about that Commissioner that when do we expect some response, well I didn't get an answer as to a timeframe to get response or for counties to receive a response.

Chairman Martin - It's interesting too that last year we didn't receive Federal Mineral Leasing District, it went to the special district this year but we're still seeing the offset in the PILT formula. This may be a discussion.

Ken - Yes, now if you could get that special district in place to protect yourself against offset, that should be.

Commissioner Samson - That should be.

Chairman Martin - That's what we're hoping for.

Ken - Should in capital letters.

Chairman Martin - They haven't recognized it yet, that's one of the issues we have and it's one of the discussions you can have within from the Interior.

Ken appreciates that and we will follow up with those thoughts and try to see that counties in Colorado who have followed that step, if you will, they should realize some protection related to PILT because looking at the PILT sheet you have, boy they beat up Garfield County pretty bad, don't they.

Chairman Martin - Yes. \$1,300,000.

Ken - Yes, that's a lot of money, when you've got that large amount of public land in your county and only received \$453,187 dollars in net dollars, that's unfortunate.

Chairman Martin - Yes it is and the population has grown and that's another factor, so it's above the 50,000-population cap. It should be a factor. Again, we will continue to work on that so you have some material to work with.

Ken appreciates that input, I've done some of that with the county where I live, we were very rural county but we're an Alternative A county, been to and done some work with them with respect to the SRS revenue and got it structured now so there is no, not even a dollar of offset. Everything we receive is net money. We will do that for other counties.

Secure Rural Schools - That expired in 2011 was reauthorized for one-year at \$346,000,275. That revenue should fall to counties in January of 2013. What is the ratio distribution in Colorado between the governing body and public education, is it a 50/50.

Chairman Martin - It is a 50/50 and then the formula goes back down to our 50% is again divided down thru the formula. We'll end up with about 37% of the 50% the rest goes to the schools. Then we take out a little bit for Search and Rescue and the Sheriff and then we donate back to the school districts based upon the school population the rest of the money. They are getting close to 75% of everything that comes in, at least 75%.

Ken said they should appreciate that.

Chairman Martin and Commissioner Samson both said they do.

Chairman Martin - We try to get it for after school programs and so they're receiving the last one was \$400,000 plus afterwards for after school programs. Again, it's Tabor exempt in Colorado, which is unique but it is exempt from Tabor so therefore it doesn't go against their formula of equalization.

Ken - There's a variety of opinion with SRS because I think the biggest problem you have already talked about is the offset it creates for PILT and it's unfortunate that the forest cannot be put back into production like they need to be so there would be sufficient revenue in the 25% forest receipt category and SRS wouldn't be needed if the forest would generate revenue to their potential. The unfortunate thing is PILT and SRS compete against each other because they're both in the general fund. When PILT was put into law, it has always been in the general fund for distribution and when the forest didn't generate sufficient revenue then President Clinton allowed SRS to go into the general fund and so they compete against each other for revenue. That is unfortunate because it has made more of a challenge for PILT, especially full funding. We'd hoped that that would change as far as competing against each other and so we just continue to work that issue because of the situation particularly with the deficit. A question to you Commissioners about SRS, what's your opinion about moving forward to get a 4 or 5-year reauthorization with the program.

Chairman Martin - Well with as you've talked about, the formula, you're going to have to find money somewhere in the budget and then you'll have to do an offset somewhere else to a program. That is the challenge that the legislators have, if they reauthorize it, they will need to find money somewhere else to reduce the budget and the overall indebtedness. It's going to be very tough to find that money somewhere. We'd like to see it for sure because the school could sure use it and that's where we direct it. Finding that in the budget is going to be extremely hard; you will see different programs cut one way or the other. It's a huge amount of dollars, domestic dollars to be found. PILT was in the transportation bill without passing the transportation bill you didn't have the PILT formula to go through either. There doing all kinds of things there, I'm not sure how they're going to balance the budget, I don't even know if they have a budget to balance. It's difficult at best.

Ken - A comment on the formula for PILT, to eliminate these challenges, PILT formula change would be a good thing to do in my opinion. It eliminates these off-set eliminate a and b county concept and those kinds of things and just everybody be paid an amount per acre across the board which would be a much simpler thing to follow, a much easier, less cumbersome for the Interior budget office.

Chairman Martin said there's been several formulas that have come forward and none of them accepted. It does affect other counties, they're winners and losers in that formula change, very large counties that have public lands in their jurisdiction they lose basically and the folks that have small population but large acreage win. Todd Delevan out of Prairie, Montana has offered numerous solutions and he's going all the way through the Solicitor General on different items. It's up in the air and there's in the National Association of Counties, there is a riff on working on that formula, someone make a change in concrete saying we do not want the change. You're going to have a split crowd.

Ken - It is making it more of a challenge where you have a split opinion on to handle a situation. That's been a goal for WCA as we indicated to get PILT fully funded then the next step was to try to get it changed to fair and equitable across the board but you've already mentioned the variety of opinion, the variety of support, no support type of thing is going to make that an ever bigger challenge. It's a concept that's good, we need to continue to pursue the formula change.

Chairman Martin said in the formula in Garfield County some would lose but would assist like in Hinsdale County where it's 90% public lands and they would receive in the millions of dollars. It may be fair; we need to look at it. The formula definitely needs to be re-done.

3) Sage Grouse is a real challenge, one of the unfortunate things about this issue the US Fish and Wildlife Service does not want to recognize the fact that there are more birds in existence than they want to admit to. To have this bird listed if you will, would ultimately contain multiple uses on public land. It would bring it to a haul.

Commissioner Jankovsky - We have on our agenda later and we are definitely working on Sage grouse and I agree the science behind, there are questions on the number of birds and predation including the fact that 10% of the birds are still hunted and killed every year by hunters and yet they are potentially going on the endangered species list. I've seen numbers and who knows, 180,000 birds to 360,000 birds. I don't think they're right, there's not a good count out there. We've been spending a lot of time with the

counties to the north of us on Sage Grouse and it's been an issue. If it gets listed it becomes a different situation, more drastic.

Ken - The less number of birds, the easier it is to recommend being listed an endangered species on the list. That's one of the reasons they don't want to recognize there are more birds out in existence. We wrote the letter and we continue to work with counties, states, and plans be put into place that will prevent ultimately a listing. That's the goal.

Commissioner Jankovsky - One thing that is interesting is we're all divided by our states on Sage Grouse and this covers almost 9 states. It comes back to Fish and Wildlife to make the final decision but it's very difficult for us as we hear from Utah they're doing one thing, Wyoming is doing another thing and so much but it depends upon Fish and Wildlife Service in your state on how the plan proceeds on the whole consistency thing. When you go with 9-states, you have such a difference in topography and actually, in the bird itself and how the bird survives etc it is an interesting issue.

Ken said when you are talking about 9-states the consistency needs to be developed as much as possible to give us more clout to avoid the bird being listed. That's what we're trying to work towards.

Commissioner Jankovsky - That consistency just maybe taking a local plan from each area, trying to work with those local plans, that give the board a better chance of survival, and hopefully thriving.

Chairman Martin said that's been our challenge having the federal government recognizing the different plan just within Colorado, they were party and signatory to and we developed those over the years. Again, they won't let those plans go forward simply because they said they are too voluminous and need one plan for the 9-states instead of individuals. That's been the challenge, Ken.

Ken said but to work towards and everybody has it on their agenda, that's a good thing. Regardless of whether there is some difference of opinion how to approach something relating to the bird process.

4) Wild Horse Burro we are making good progress with that program. 9 of the 11 advisory board members are now from the west and Callie Hendrickson for your state and your area particularly is doing a good job as a board member for that program.

Commissioner Jankovsky said we do appreciate Ms. Hendrickson being on that group. She does a good job of representing Western Colorado, our county and Rio Blanco County. We don't hear about it much but we do have a wild horse herd in the western end of our county.

Chairman Martin agreed saying west of Cameo.

Ken said with respect to this program WCA has three board slots up for reappointment or new appointment, the Human Advocacy, Livestock Management and Wildlife Management. WCA has nominated two names to be considered by the BLM and Interior for appointment for these positions. He would leave a copy of a letter with Drew before leaving today, the nomination letter. Would Garfield county feel inclined to write a letter of support for those two members but you can read the letter of nomination and then make a decision. Commissioner Norm Weston from Rich County, Utah is the livestock one, a prominent rancher and has a lot of ability in the livestock area. Rick Denver, the wildlife management nomination we did has a lot of background in wildlife and history of working relationship between wildlife and livestock.



Commissioner Jankovsky - That's for the wild horse and bureau humane advocacy and there's two individuals for one position.

Chairman Martin - You have to choose that why they have the voting.

Commissioner Jankovsky - How are those selected, are those selected by the BLM?

Ken - Director of the BLM coupled with the Secretary of Interior, of course they get recommendations for them from the division office as well.

5) Public Land Transfer you know what transpired in Utah, the legislations passed and the public land transfer is a good concept also a long shot. The expressions about the constitutionality of the process, pros and cons about whether public lands should go under the jurisdiction of states coupled with county government. That land being under jurisdiction of states and counties would go into production and that's what is needed to do. The group from Utah continues to work with that concept and they've spend a lot of time in the DC area talking to congressional people. We'll have to see how things play out later with respect to that. How do you folks feel about the concept?

Chairman Martin - Through the grapevine there's going to be a movement in Colorado the same as Utah, but I don't know how far that will go but it is an interesting concept in reference to the letter of inclusion to the union. There's a lot of facts and challenge, constitutional challenge etc. The Federal Planning Management Act over supersedes the contract between the state and the union so we'll see how the federal court rule. That's the biggest challenge.

Commissioner Samson clarified that is a lawsuit going forward now.

Chairman Martin - Hawaii did it and they were successful on the Hawaiian side in reference to those lands that were transferred back to the Hawaiian Islands. I'm not aware of any other active lawsuit at the present, I imaging Utah will push it into court. Nevada was looking at it too.

Commissioner Samson - The basic premise there is that you have a contract between the states and the federal government pitting against the Act of Congress.

Chairman Martin - It's the FLEMA, the Federal Land Policy Management Act, it says there will be no more distribution of public lands or no more release of public lands through that process. The challenge is going to be is that superseding the contract between the territories that became states and the wording in there. The challenge being that everything from the east side of Colorado to the Atlantic shore has been honored, everything from the west side of that border has not except for Hawaii. The big lands in-between are the ones that are in challenge. We'll see how it works out. There are interesting arguments on both sides.

Commissioner Samson asked Ken if he had a feel for that other than it would have to work its way through the courts.

Ken - That's about the only thing that we can look at Mike, is how it proceeds through the judicial system.

6) Grazing Fees - As you know there is a proposal for the administration to increase the grazing fees by \$1 AUM and emailed the letter opposing that concept. That is on hold at the moment, we hope it stays on hold. The Public Rangeland Improvement Act a reformulate has done a good job of regulating the grazing fee with respect to the economics of the industry. The price goes up the fee goes up, the price goes down the fee goes down. That is a fair equitable way to handle that situation but obviously, when you have the deficit wreck, I guess you're going to look at all avenues to try to generate

some additional revenue. We submitted a letter and you have a copy and hope that that dollar per

AUM proposed increase would stay on hold.

Chairman Martin said you'll probably see some legislation in Colorado in reference to the property interest on taxes on grazing, so we'll see how that works out. Actually, the tax raised on grazing does not even meet the cost of sending out the statement. That's a real challenge for the Assessors and the receiving monies back just don't do it for the cost of recovering the cost of doing business.

Commissioner Jankovsky said Ken the dollar per animal is almost an 80% increase a significant increase and right now that is capped at 25%. I think it would put an extreme hardship on many cattlemen in Colorado and the rest of the United States. We support you on that.

7) Other issues, Ken mentioned about membership, we've now been able to go into the state of California joined WCA giving us another state hand, which is a big item. That helps us because numbers give us strength and WCA coupled with other groups thinks is helping a difference in making some net gains with the tough issues.

Commissioner Samson asked how many states and how many counties.

Ken said we've got 18 counties, California, Utah, Nevada, Montana, Wyoming, and then we're closely aligned with Colorado Counties New Mexico and Arizona and we're looking there to work out something in a financial matter for membership. We work closely with those folks and Howard Hutchinson as you know is Executive Director and we community/coordinate with respect to what's going on efforts with the various issues. We're making progress there, counties feel like we're playing a role in helping to make a difference with these issues and we will continue to do that in conjunction and coordination of other groups, obviously the National Association of Counties, WIR, but where we different WCA we can take an issue and run with it, we can call the board together and we don't have to spend a lot of time administratively to move forward on something. That makes it better and that provides upfront support. If we can jump on something on a quick basis. That's what we're about.

The other item is WCA has a board of directors and we would like to invite Garfield County Colorado to designate one of the Commissioners to become a board member for WCA. How we handle board meetings in a more efficient cost effective way is we use the conference call type of approach. We generally have board meetings on a monthly basis either the second or the fourth Thursday. The travel time does not exist. It is not practical or cost effective to do something that way so what I do is prepare an agenda, a number you can dial into with an access code and get on the call. The only expense you have is about an hour telephone call. It's working well. If you could give that some thought Commissioners we would appreciate it and we could have us send an email and we'd be delighted to have one of you commissioners serve as a board member for WCA.

Chairman Martin - Thank you Ken and we will discuss it and go from there.

Ken named the president and vice chair and we have 7 on the board at present. We would not like this to go over 11 seats but we look at the geographies rather than the number.

[Attachment Western Counties Alliance](#)

## ii. South Canyon Trail Update - Larry Dragon

Larry Dragon is here today to give the Board an update on the South Canyon Trail and to present a Power Point since we have not been successful with the GoCO grant. The trail is 5 miles from West Glenwood and the slides showed the part of the trail completed by the South Canyon Bridge and sections in the Glenwood area. This is part of a statewide dream from east to west through the County. The South Canyon trail is the first link in the chain of event. He showed the plans of the phases. Phase I was completed in 2009 and Phase II by the bridge completed in 2011 and the funding cost was estimated for the entire trail is \$4.4 million dollars of which \$2.9 million has been committed. Larry showed the amounts from the county and municipalities. Phase 3 was planned for this year and that has been delayed until 2013. The plan is to solicit two bids, one for the entire 1.8 miles and alternate .9 miles. To raise more money we want to apply for the maximum grant from the State Trails program, \$200,000 and looking for additional funding sources, the Garfield Federal Mineral Leasing District is out and we cannot apply for it. One opportunity might be DOLA. The request to the Board today is No. 1 approve the already committed \$1,855,000 remain in place for either Phase 3 for the full 1.8 miles or the half of the distance of .9 miles. We would like to partner with the State Trails grant funds and we have received those in the past. This would entail the Chair sign off on the grant request and Larry will do the work. He also requested the Board consider applying for a DOLA grant as they have money now and asked for this trail to be prioritized so the trail could be completed.

Commissioner Jankovsky asked why not go back to GoCO next year.

Larry said we could next year but they haven't announced what they will offer.

They indicated they may have another grant opportunity, a special opportunities grant from up to \$1 million and that would not be announced until the spring if they do it and then we wouldn't learn about it until the end of the year. That puts us well in 2013. If we wait to do any construction then the cost could raise much higher than the engineers are estimated.

Commissioner Jankovsky said it could go down and when GoCO has seen this one time, it makes sense to continue to apply at some point.

Larry assured Commissioner Jankovsky that we were not giving up. We are trying to get CoCO on board to help the county.

Chairman Martin said the whole idea of our commitment was to reduce the overall request and the smaller segments because of the mobilization, the loss of money that goes into operation and not the trail. We have the smallest percentage in request but we were denied the largest percentage was granted.

Larry described the process in other ways but wouldn't say on the record.

Chairman Martin was discouraged after the great presentation done in Golden.

Larry said we have gotten CDOT to actually do something positive to help us out here to allow us to do an alternate bid. Jeff Nelson, County Engineer feels strongly that the we have a good shot of the bids coming in lower than the \$4.4 million. The reason for putting out the bid for the whole 1.8 miles perhaps to get a bid for \$3 million and monies for the entire thing. If not we will have people do an alternative bid where we can afford to get something done and making a trail for use of people in Glenwood Springs from

Midland Avenue of 1.5 miles, a small picnic area at the wide area in the Canyon but we are hope is to get this 1.8 miles done. Gunnison County is trying for more money from State Trails and looking for other trail sources. Everything is in place, the design is done, the CDOT checklist is done and we do have the BLM completed finally after 2.5 years waiting for that. Larry will be in front of the City of Glenwood Springs to make sure their funding is secure on Thursday night. The Enhancement Grant, Randy and I attended that a couple weeks ago and they approved it for whatever Phase 3 we do, we are in the final process of the IGA with CDOT and construction bid packages will be ready.

Commissioner Jankovsky asked Larry for the amount of Phase 3.

Larry said 1.8 miles and \$1.4 million for engineering and \$2.2 million. Larry reviewed the funding in place \$2.7 million but the \$200,000 from Glenwood is earmarked for 2014.

This year's funding from Glenwood of \$200,000 is in place.

Commissioner Jankovsky said the question for us is does it make sense to put in 1/2 of a trail or wait and complete the entire thing. We need to hear from our engineers at another time, fiscally is this is the most responsible thing to do or is it better for us to sit on these funds and get the entire thing done at one time. What are the additional costs to do it step by step and that's my only concern.

Chairman Martin said the request was to see what they could get in a bid and they can turn the bid down without the funding. The question is can they get a reduced cost of the \$4.4 million as full or what can they do with half. It's a two-step process. Then Tom your question will be answered as to what is the best way to go. The question is how much are we losing on the construction of the trail based on mobilization starting and stopping.

Commissioner Jankovsky said it would be flagging again as before because of the work on the fencing on the side of the road similar to Phase II.

Larry said the lane closures are for side loaders and the number of days Jeff can tell you. We were concerned about the number of days we can have lane closures and that problem has dissipated as Region 3 has a new policy. As long as we're within that policy eastbound before 9:00 a.m. we're fine.

Commissioner Jankovsky asked the schedule on this and if there will be construction in 2013.

Larry said we want to construct in 2013, advertise this fall, and start next year.

Commissioner Jankovsky said to start in the spring of 2013 is good timing because you have construction companies that are looking for work as soon as the weather is warmer.

Larry said historically what happened in 2007 with the first GoCO debacle was a problem with CDOT and the highways; it delayed it so long we didn't get started until March, we want to try and get it out this year.

Drew asked to refresh everyone's recollection about March 12, that's the date the 1.8 million was pledged contingent offer on the GoCO award. As it stands now on the funding graphic, 64% of the committed funds counting the \$200,000 Glenwood will be good for in 2013, 64% will be from the county. If you were to return to GoCO and they were to fully fund the \$1.5 million as requested the county would still be bearing 40% of the total costs. On the proposed schedule as Mr. Dragon said there is nothing to prevent you from going through your budget process for 2013 first and see where this

sizeable request fits in with the overall strategic plan, you have other major request pending, you have just completed one major real estate transaction and there are others under discussion on today's agenda. The other issues have to deal with ownership of the maintenance of the trail going forward, we have been clear that the county is not in the business of parks and trails business. Drew appreciates the two sections of the trail the county taxpayers have already invested and at some point, additional spending would connect them and make them viable. These are the facts to date and items for the Board to consider as you make policy on this matter.

#### Discussion

Commissioner Jankovsky thinks those are all issues that Mr. Gorgey expressed. Chairman Martin said however, Larry dilemma should we go forward with it or not and does he have a commitment from this Board.

Commissioner Jankovsky said that is the question at this time.

Chairman Martin further stated that Larry is looking for reassurance if it's worthwhile getting that done or does he start all over.

Commissioner Jankovsky framed the situation that we have committed significant funds to this project at this time and continually brought up we aren't in the trails business but we are to some extent because we've committed funds.

Commissioner Samson said this started way before your or my term on this

Commission and I feel like we've made a commitment to Larry and his organization, the rules change here a bit causing a problem when you have committed the money for the project and then other things fall through and you're looking at trying to get half of the trail done instead of all of it. I think it would be best for the benefit of all to go ahead and as Drew has said, we can work with this in the 2013 budget, give us more time but to go ahead and tell Larry that he should solicit bids.

Randy and Jeff will be involved as well.

Chairman Martin said Jeff and Jamaica mostly. We will honor our commitment is what we're doing.

Larry promised to keep the Board informed on the bids.

Chairman Martin stated Larry will keep working with this Board at budget time and we'll see how we do this in the budget that way we will know if we can award that bid or not.

Larry will move forward and submit a State Trails grant in November with the Chairs signature on it. One more thing, considering DOLA and it is not on the agenda today but there are monies available and perhaps if we need more that could give us an opportunity to get the entire thing done.

Chairman Martin said with DOLA grants there is a contribution you'd have to match.

Commissioner Jankovsky asked if DOLA does these types of grants and Chairman Martin said that's an unknown. They have to tie that to the impacts going with the development within the region to qualify for public interest or need and that would be up to Larry to write that into the grant.

Larry stated in the past with DOLA his understanding is that we've had conversations way back it was then more of a question of other priorities of the counties and didn't think this was an inappropriate projects but more pressing projects prioritized higher. It is a question of this Board prioritizing what you want to go. There are many projects on impact to the needs. This may be a one-time thing to get this done.

Chairman Martin said we would consider the request and see how we do. We will discuss it.

Drew said in response to Commissioner Jankovsky's question about the need for a motion, you don't need a motion to place a bid.

Commissioner Jankovsky wanted clarification if we go through the bid process and there are bids, we still need to have the funding available. We can look at the bids and still have one additional time to make a decision based on funding.

Drew said yes, there's no award until you approve the contract to the winning bidder and the engineering and design has already been completed so this is a bid for construction and to the extent the construction is done in phases; we may be awarding it in phases. To the extent we have control so we're not doing any sort of bait and switch or false promises, include in the request for bids, invitation for bids, request for proposal whichever, clarity that it depends how much of the project the Board will eventually fund. As long as we're honest about advertising we'd be fine. Then the Board would need to appropriate the money before you enter into the agreement.

#### [Attachment South Canyon Trail](#)

#### **iii. Consideration to amend Special Use Permit/Road Maintenance Agreement - Sam Potter**

Sam and Terri Potter came before the Board regarding a Special Use Permit granted in 2005 by the Board for a resort on a portion of their land. That has changed and wanted to speak about it. The Resolution of approval was 2005-23.

Carey informed the Board it sounds like this is a change in the SUP and gave a warning to the Board that the Potters could speak about process but not a land use change as it would need to be heard in a public hearing.

Fred Jarman confirmed the new Land Use Code allows changes to be made to a SUP and he would speak to them about this.

Sam Potter thanked the Board for their diligence in the West Divide Water case and as President of the West Divide District it's an uphill battle and appreciates the positive input on this. Some people are vehemently opposed to keeping the water right that was done in years past.

Fred offered to speak with the Potters on changes to the Resolution of approval and informed them the process has changed and it only requires a public hearing before the Board to make changes.

Commissioner Jankovsky informed the Potters that this would require notice to adjacent property owners.

Drew suggested the Potters take time now to speak to Fred Jarman about the change and the reschedule time with him for the changes. The Code changes are on the agenda for later today and this will help Mr. and Mrs. Potter.

Sam informed the Commissioners they had a project under construction.

Chairman Martin said this would require a 30-day notice.

The second item the Potters wanted to discuss is the County Road 252 aka West Rifle Creek Road or Fly Creek Road. To give some history, in Terri's day he ran sheep up

there for many years as did his dad and that road was originally going to Meeker before it became Hwy 13. At one time, this road was principal route to travel to get to Meeker. Then in the early 70's or late 60's trucks started using trucks to move sheep it became advantageous to have a carrel south of our property on what now is property belonging to Chris Landruff. They had a loading area there and a sorting situation to the County at that time made a deal with Landruff's brother who owned some property down Piceance Creek west of Hwy 13 and had a sizeable shale deposit on it. The Landruff's brothers gave the shale to the county if the county would use it to apply West Rifle Creek Road not just this stretch of it but to go down to West Rifle Creek road. That was the first big improvement done to that road and for years on and off shale has been applied to it. In recent years and starting now, paved to the middle of the Rifle Creek turnoff for the Honor Farm from there on up it's been turned into a very good sound gravel road. In 1989 we have bought our own cattle guard and had it installed at the top of what we call Jewell Hill where our property joins the Jewell property and at that time they extended the shale in the early 90's Arnold Mackley and Bucky Arbaney came up and inspected the road at that time and agreed to extend shale onto our driveway. Shale is a wonderful thing as long as it's there, it floats if you don't put it on in sufficient amounts over a period of time as soon as you penetrate it becomes the same sloppy hole before. That's what we have up there now. The guys on the project now are graveling another mile from my neighbor's gate, Jane Goff up to Chris Landruff's cattle guard. The road through Chris's is approximately one mile; it is a good road and was re-done completely and properly about 4 to 5 years ago with good rock underneath and good road base on top. From there on about 2 miles to our gate it's the same old problematic road we've had from time to time, as long as it's dry and part of is good, part of the shale has been penetrated and you can fly it off the hill if you hit one of those slick spots and could end up in the middle of the boon docks. I have been told by the people up there that they are going to apply spot treatments to that road and that's what's been going on for 20 years. What I would like to see this commission do is to bring that road up to one standard at least to the County line, which would be approximately 2.5 miles. Then it would be consistent all the way up there. The reason I'm sensitive to this I assured Garfield County in the early 1980's and changing road conditions are unexpected are a liability issue. For that reason, I think we've tried to help ourselves and done a good job over the years but it would be nice to have some uniformity and finally get the thing concluded. We appreciate your consideration.

Drew said to Mr. Potter if I could offer you some time with our road supervisor and we have a foreman here, you don't have to go anywhere except the other side of the glass door. Deb and Wyatt can help you just give them every single detail you want the board to know; we will give you some response.

**iv. Consideration/authorization for Chair to sign Subaward of Better Buildings grant obligations to GCE - Jim Neu**

Attachment 2012 8 13 Agenda Item Summary - Better Buildings Program

**v. Consideration/authorization for Chair to sign Assignment of CHFA Agreement to GCE - Jim Neu**



Attachment 2012 8 13 Agenda Item Summary - Better Buildings Program

vi. Consideration/authorization for Chair to sign Assignment of CLEER Agreement to GCE - Jim Neu

Drew commented these items would be best taken together, 2aiv, v and vi all of which pertain to CLEER, GECE and the underlying grant of which the county is the sub-recipient from Boulder County.

Jim New, general for Glean Energy Collaborative; Greg Russi Chair of Garfield Clean Energy; Tari Williams; and Erica Sperrhawk with CLEER.

Tari and Erica were before the Board in June to introduce or continue the discuss the opportunity to explore options with respect to the County's position as a sub-recipient of a Department of Energy grant through Boulder County and a new opportunity that has arisen with respect to that sub-award the county's position to the newly created governmental entity, Garfield Clean Energy Collaborative. At the meeting in June we discuss the opportunity might mean for the county and Erica and I were asked to look at the pros and cons as well as ramifications it would mean for the county. The issues were narrowed down and confirm to this Board the award of your position to GCE would not create additional risks and would not create additional responsibilities for the county. CLEER is a contractor with the county and is performing the monthly reporting goes along with our role as a recipient.

Commissioner Jankovsky said that's with Bob Prendergast in the finance department is the other side to that.

Tari said Bob does the financial administrative with the feds. His connection is directly with Boulder County. The other thing I can confirm is an ongoing dialogue with the Department of Energy involving CLEER and Boulder County as well. Bob has reviewed my agenda summary and made a few comments. The options today are what to do with your status as a sub-recipient and if to do anything and we have to do something even it's to keep it where it is. CLEER is our contractor, CLEER also has a contract with the Collaborative GCE, the role, and relationship is already established. Tari reviewed the contract with GCE and it is similar to be a seamless transition.

Commissioner Jankovsky said we had three federal grants originally and it's finished, one is the DOLA and the others two are DOE grants. The second grant will be finished in December 2012 and that is a DOE grant. The third grant is the one you're talking about, that is through Boulder County, and that goes through the end of May 2013. On that grant, part of it was set up energy efficiency and \$600,000 was set up to provide some form of leading for energy efficiency so programs can continue into the future. All these grants have gone through Garfield County and CLEER has been the administrator of those grants. We are now at a point on the final grant where we are talking about \$600,000 supposed to be set up for lending purposes. \$400,000 of that has already come to the board and we set up a reserve fund where individuals could go to the bank and apply for a loan and guarantees the loan. Now there is \$200,000 left, which potentially could become a revolving loan for smaller loans and loans that would be more difficult to be loaned. Banks do not want to lend that money. Why GCE is here was the direction of staff to finish these grants, close them out and move forward to get



to the point where the county is no longer involved in those with manpower and legal etc. With that direction, one employees in charge of this went to GCE and CLEER and said we need to move these grant dollars, the last \$600,000 over to GCE so the county no longer so the grant can be closed out and the county no longer has the responsibility or the burden of having to oversee those grants. This request is back to us, do we want to move that \$600,000 to GCE and will that be a form of closing this final grant. The funds will have all been allocated.

Commissioner Samson questioned in doing so that would relieve us of our financial obligations as well as legal obligations and we'd be out of it.

Carey said that is not correct.

Tari said we'd still be the chain of responsibility of the money from the Department of Energy to Boulder County to Garfield County and Garfield County to the Collaborative GCE. We would be in the chain of responsibility.

Commissioner Jankovsky said staff may have considered it a burden to oversee those grants and I think this request is back to us, do we want to move that \$600,000 to GCE and will that be a form of closing this final grant. The funds will have all been allocated.

Commissioner Samson said a question, in doing so that would then relieve us of our financial obligations as well as our legal obligations and we would be out of it.

Commissioner Jankovsky said well,

Carey said that's not correct.

Tari reiterated we would still be in the chain of responsibility of the money from the Department of Energy to Boulder County, Boulder County to Garfield County and Garfield County to the collaborate GCE. We would still be in the chain of responsibility.

Commissioner Samson asked if that would entail that we as the County still have to oversee all those funds to make sure they are spent properly.

Tari responded saying we would have an agreement with GCE a subaward agreement that says they understand and are able and willing to take over the obligations of the DOE Grant through Boulder County through us but we would not have responsibility for the day-to-day.

Jim - CLEER is doing that for you now, CLEER is going to do it for GCE.

Commissioner Samson said my question is, what is our responsibility.

Jim - You won't have any responsibility with the subaward there is a remote responsibility out there but you take need to take any affirmative action to deal with that responsibility. GCE is taking the legal responsibility and contracting the day-to-day responsibilities to CLEER and that's the same that Garfield County is doing right now.

Drew - We're not free of the legal responsibility in full.

Jim - No, you're in the chain but Tari did a wonderful job of digging into this, the legal part to transfer is a one-page agreement as you see. The agenda summary is the hard work and Tari did a wonderful job of figuring this out. The DOE agreements are set up for sub awards.

Tari said exactly and as most federal awards, she did bring the code of federal regulations, which sets out the remedies for non-compliance with the federal grant and in the event the DOE determines that a recipient which in this case would be collaborative but if the DOE suspects or determines the collaborative is not in compliance with the grant, they send a letter to the recipient saying, we don't think you're in compliance for these reasons, here are the steps you take to get into

compliance and you have 30 days or more, not less to get into compliance. We as the county would be also notified of that and have the opportunity to make sure they were ready to comply with whatever remedy there would be. We would not have financial exposure beyond the amount of money that has been drawn from the grant amount. Right now, that amount is minimal; the maximum would be \$600,000.

Commissioner Jankovsky added it is a similar question to Commissioner Samson, with the first two grants those are closed out because the money was spent 100%.

Tari said this agreement does not take any of that.

Commissioner Jankovsky said so with that it would be \$600,000 hopefully into perpetuity because you have a reserve fund and you have a revolving loan and hope they will continue to at least revolve and so you do have that \$600,000 that is remaining, so will this grant ever be closed with the federal government or will there be on-going reporting every year on that \$600,000.

Drew answered the first thing on the record is to thank Tari for the excellent work, this was a lot of administrative work that she took on personally and it is above and beyond the call of any legal assignment and I appreciate that and do not take it for granted. That is the issue, the \$400,000 loan loss reserve I've always understood that to be used on in the event of default and it's an incentive for lenders to lend because they have the assurance, so putting productive use of that if the economy strikes me as remote. The \$200,000 is designed through funding partners and agreement with them to be just that, to be a perpetual revolving loan fund, so although you're not actually signing agreement to them, you are liable at the end for anything that may go wrong up to the limits of the \$200,000 and in the worst case scenario somehow everyone at GCE and CLEER and funding partners went hog wild and lent more than they had, you would be liable for that. If the goal is to be free of connection to this federal program to these federal funds, then one of the options as contained in the memo is to return this money to the person above us in the chain, Boulder County. That is not what GCE or CLEER wants, as I understand it. The policy choice would be to accept the liability and remain in this program in perpetuity or not. The third choice would be rather than sending this one subrecipient down to keep that responsibility at the county level, and I assure you our preference is not that. We don't want to devote day-to-day staff time to run a loan program, I appreciate all Bob has done and we've done but either send it back or accept that we will be in a perpetual lending program through our subrecipient and that we hold all the liability for doing so. That's my understanding of the choices.

Tari wanted to clarify that we are not accepting any additional liability than we already have.

Jim said GEC perspective is to get this money to work, the \$400,000 that is the loan loss reserve may not be directly into the economy, we are hoping that incentives the bank to lend the money to get it into our economy, to get local contractors to work doing energy improvements in commercial and residential building in the program which would reduce the dependence of Garfield County and keeps more money in our local economy.

Drew said I will see you and raise you on that point, I'm not a banker but the essence of banking is that there is a reserve against which loans are made and the amount of total loans exceeds the amount of reserve and there are federal formulas that cover it. So,

\$200,000 in a revolving loan fund will result in loans of excess of \$200,000. The interest earned thereon replenishes the fund and you're off and running. That's my understand. Chairman Martin said you must have a good bank that a return.

Commissioner Jankovsky said first, there is draw of the \$400,000 because CHAFA does take the administrative fee and at some point, there's about \$12,000 that does get, but not anyway that money gets added back into that so it does get drawn down a little bit each year. I would not want to send this money back, that was not the intent and I would not want to do that, one thing as you've mentioned is Garfield County has been in a situation where we're had turnover other than Bob so we do not have an individual that is directly responsible for this particular grant and it makes some sense. Those are the two options and I think it makes sense to go with the second option, which would be to ask GCE to oversee these funds.

Jim said that's why we created GCE and why it's a separate governmental entity so that we could administer these kinds of grants.

Chairman Martin said the request is either to make a decision in reference to keep the funds as they are and going through us subcontractor or to return these funds to the federal government or to Boulder.

Tari said the returning of the funds was one of the options that we needed to put in here because it is an option available to you, we have not yet vetted what that would mean from a legal, practical or financial perspective because of the agreements with the Housing Authority.

Chairman Martin said and I have to always say that ARRA money has so many strings attached, so many hooks attached we are seeing just a portion of them today and that's why again I always said no to ARRA money simply because of the fingers that go through the entire organization and it's extremely hard to deal with.

Tari said if I may follow up on that is the strings CLEER knows all those strings and tentacles and it is because of CLEER's involvement with the County and the collaborative that is why Boulder County and the Department of Energy have consented to this award because they know CLEER will be the common thread.

Chairman Martin said it also goes against the thread of the county loaning money and being in the banking business to loan money and to again perpetual that. I think there's a statute that says counties will not be banks and that is what we need to be following. We're not making loans so we have to make a determination which is the best of the two evils, make Boulder do it all or to allow CLEER to do it.

Tari said not sure how much you want to get into that but you are correct.

Chairman Martin said no need because I've been discussing ARRA money for a long time. Are we ready for a motion?

Commissioner Samson needed to ask the question so it will be in the record.

Commissioner Samson - I would at this time move that we authorize the Chair to sign a subaward a Better Buildings Grant obligations to GCE. Commissioner Jankovsky asked before he seconded it, to put a dollar amount that would be the \$400,000 for the credit reserve funds and \$200,000 for the revolving loan. Commissioner Samson okay.

Discussion

Carey was asked if she had issue with the motion, a question of clarification, you'll see originally in your agenda this was set out as three separate agenda items, those are the

legal agreements that would need to be signed by the Board and signed by GCE if this were to move forward in the manner you have proposed. A quick question would you like to see these back before you and I anticipate we can get this done and put it on your agenda for Monday, August 20. At this time, you would direct staff to move forward with the transfer but you can review the language in the documents before you next week.

Commissioner Jankovsky said one thing, it's a good idea Carey except one thing I see here is the assignment of CLEER agreement to GCE, there are still some dollars left about \$95,000 that need to be managed to close out that third grant so I think there are some legalese to make sure we still are going to have a CLEER agreement. Garfield County will have an agreement with CLEER to manage those funds and so I have questions on this last item.

Tari said it might need to be an amendment to the CLEER agreement rather than a full assignment, with you direction we would work out this week.

Carey said that makes sense.

<u>MOVER</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	CARRIED
Mike Samson	Tom Jankovsky	

Chairman Martin said I am opposed simply because its ARRA money and I have been consistent from the beginning I will not vote to spend the taxpayer dollars, which are un-appropriate in a proper manner.

Commissioner Jankovsky said that motion was to direct staff...

Chairman Martin said not that the programs are bad understand, it's a good idea but there are other avenues and other monies that should have been used and I just think the government got so deep in the issues that it's well kind of an injustice to the taxpayers. I have to hold on to that one.

Commissioner Samson said if one of us agreed with you, the whole ship would sink.

Chairman Martin clarified no, then you would have to make another motion to return it to the federal government and to Boulder and at that point there will be another legal challenge, does it even remove you from the legal obligation which you signed in the first place going back to the original contract, the hooks and the different assignments of monies and responsibilities. This will never go away. This will always be with Garfield County and everyone involved in it. Again, ARRA money and all the hooks.

Commissioner Jankovsky asked to clarify that motion that motion was to direct staff to...

Chairman Martin said it was to approve and direct the chair to sign

Commissioner Jankovsky said and it will be back in front of us one more time.

Commissioner Samson do you want this on the agenda next time.

Carey said we can do it on the consent agenda and then if you have concerns about any of the terms you can pull it at that time and we'll have opportunity for discussion.

Jim Neu said you could see the actual language.

Commissioner Jankovsky said to Tari, you came at the end of this and had to educate yourself on this.

Chairman Martin acknowledges it is a lot of hard work and unnecessary and in another, it is required.

[Attachment 2012 8 13 Agenda Item Summary - Better Buildings Program](#)

[vii. Garfield County Fair Schedule for 2013 & 2014](#)

Levy Burris said he is here to set the dates for the Fair 2013 and 2014, Tentative dates we have looked at would be for 2013 would be August 5 - 11, 2013, which moves it back to the historical dates for the first full week of August and takes it off the first Saturday in August which overlapped Grand Valley Days and Silt Hey Days. It keeps it early enough in the month that it doesn't encroach on school or the state fair. The same dates in 2014 of August 4 - 10. It was the desire of a couple of board members to set the Fair for the first full week in August but some thought it was too rigid and we have to have the ability to adjust that schedule. With your approval, we will go with those dates. Commissioner Samson said he appreciates you doing that for Silt and Grand Valley/Parachute. That would be good for the county. I want to talk to you; Levy about some things you are aware of, next year will be the 75th year of having the parade, fair, rodeo and everything. I think we as a Board of County Commissioners should perhaps put more money into the pot and make this bigger. The board, Levy and Commissioner Samson be able to sit down, explore some of the options, and see what could be a big celebration. Hats off to you and the board for doing a great job last year and this year. He received many compliments from many people, many old timers said that's the first time in a long time that we ever seen the stands completely full for a rodeo. It was awesome.

Levy said it was sold out.

Commissioner Samson expressed how good the rodeo is and a good time was had by all. Job well done.

Levy said we have a Fair Board meeting evening for those who can make it. We are going to address and look at some budget issues and tentatively bring those up tomorrow and present them as the county is going through their budget process.

Commissioner Samson said that's 6:00 p.m. at the Fairgrounds. He plans to be there to talk to the board and asked to be on the agenda.

Levy said we would have our fair wrap up within the next 30 to 60 days.

Commissioner Jankovsky - I will make a motion that we approve the Fair dates as presented for August 5 - 11 in 2013 and August 4 - 10 for 2014.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

[Attachment Fair Schedule](#)

[viii. Acceptance of FAA Grant Offer for the Airport Master Plan - Brian Condie](#)

Drew stated this item would be on the agenda for Monday, August 20.

**ix. Approval to Auction Surplus Vehicles with authority for the Chair to Sign Titles - Deb Fiscus**

Matt Hutchington and Deb Fiscus presented the items for public action.

Deb submitted a list of the surplus vehicles to take to the Silver Nickel Action on August 25. The vehicles in our opinion are of such age, mileage and mechanical condition that it's not in the best interest to fix them or replace them. She listed the vehicles.

Chairman Martin stated Deb needs authorization to auction these vehicles off and permission for the Chair to sign titles.

Commissioner Samson said looking at some of these years, we have our money worth and done very well if we still have 1998 Ford Taurus and a 1972 Ford L9000 water truck.

Deb said none of these is the sheriff's vehicles. The 2006 Ford Econoline was a transport van.

Chairman Martin stated this was on a transport from Glenwood to Rifle and turned over on the ice last year.

Commissioner Jankovsky asked if we go to auction, how much does the auctioneer receive and the percentages. Is this the best method for disposing of these?

Deb said we have done this in the past and we have looked at E-purchase site that we're looking into to put our stuff on there for a while.

Commissioner Jankovsky said the other thing would be to ask Renelle to post that these vehicles and advertising on our website that these vehicles will be there so the public knows.

Commissioner Samson - I would move that we authorize Motor Pool to auction off the vehicles as listed for elimination of the fleet and ask them to work with the PIO Renelle Lott in advertising such on the website and to authorize the Chair to sign the titles.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

**Attachment Auction Surplus Vehicles**

**x. Road & Bridge Statutory Report - Deb Fiscus**

Drew stated the Board received a presentation recently from road and bridge and the communications department that directs the public to our website to see the status of this year's road and bridge projects. You've received a monthly report in compliance with statute for several months and Commissioner Samson requested the road and bridge supervisor deliver some portion of the report in person. Deb is here to accomplish this goal.

Commissioner Samson said working with public works or the engineers, what he was interested in was getting some kind of public feedback so those watching us concerning not only the progress but if there are problems for example we're trying to work towards getting this done but land acquisition or because of something indepth progress on a

personal matter that tells us and the public about things you cannot control. We've taken on a very ambitious public road improvement plan this summer of \$16 million plus and we hope to get most of it done but in the process of doing that, Deb knows better than we of things that come up. If the engineers need to address that or perhaps Deb can give us a personal side on this goal.

[Attachment Monthly Road & Bridge Report](#)

**xi. Recommendation to award a contract to Johnson Auto Plaza, Inc for the purchase of two CNG equipped vehicles - Matt Hutchinson and Jamaica Watts**

Deb, Jamaica and Gene presented the award for two CNG vehicles from Johnson Auto Plaza for a total not to exceed \$81,508.00 and authorize the chair to sign.

Commissioner Jankovsky - I would make a motion we approve the award of a contract with Johnson Auto Plaza Inc in an amount not to exceed \$81,508.00 for the purchase of two CNG equipment trucks and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

[attachment cng equipped-vehicles](#)

**xii. Recommendation to award a contract to Kuersten Construction, LLC to complete the West Garfield County Landfill Stockpile Relocation project - Randy Withee and Jamaica Watts**

Jamaica and Randy presented an award to Kuersten Construction LLC in an amount not to exceed \$622,962 to complete the West Garfield County Landfill Stockpile Relocation project.

Randy stated we anticipated on an engineer's estimate of \$1.1 million. The bids granted from \$622,000p to the \$1.5 so this is about 50% of that cost. We would like to use the money budgeted and switch around within the landfill budget and use it and not go for a supplement. We should be fine within this budget unless there's a major big rock or something out there.

Chairman Martin asked about the timeline.

Randy said if the Board chooses to award this, we gave them until the end of the year to complete it. We know we're going to have some work next year because of a seeded in that stockpile. We don't foresee having any seeding done until next year.

A motion was made to Commissioner Jankovsky made a motion we approve the award of a contract to Kuersten Construction, LLC in the amount not to exceed \$622,962.00 to complete the West Garfield County Landfill Stockpile Relocation project and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

[attachment landfill stockpile relocation award](#)

**xiii. To consider signing a letter to the Bureau of Land Management regarding the Cooperating Agency review process of the Greater sage Grouse EIS - Commissioner Tom Jankovsky and Fred Jarman**

Commissioner Jankovsky asked if Fred had made the changes to the letter. Fred stated the letter just handed out was penned by Jeff Comstock in Moffat County who suggested to the Board of County Commissioners to sign this in addition to the signature page has a variety of other counties and districts. All these on the signature page including Jackson, Routt, White River Conservation district, Moffatt, Rio Blanco, Grand County and Douglas Conservation district including the Garfield County Board of Commissioners are at the moment Cooperating Agencies working with the Bureau of Land Management on the proposed environment impact analysis for the Sage Grouse in northwest Colorado. However, Jeff forwarded me a copy on changes he suggested and those are in yellow as additions to your letter. This letter is to Helen Hankins the State Direct

Chairman Martin said it has changed and it's been refined but it still gets to all the points necessary to bring their attention to our concerns. The only one not seen was the carbon copy to Associated Governments (AGNC) because all those folks should see this.

Commissioner Jankovsky said what we're doing with the coordination process is mentioned in here, "We recommend the BLM return this process to what the law requires which is close coordination with state and local governments". Second, "the BLP must develop a balanced use alternative to include and reflects state and local government conservation efforts" and that's what we're trying to do through the coordination process with the BLM. This is from all the counties that are involved.

Drew - Amplified two points, one point and one question that have repeated been made on the record. First is the cooperation process is separate and distinct from the coordination process. The second related point is that Garfield County has not accepted cooperating agency status as to this particular EIS.

Commissioner Jankovsky said we have a separate letter here from the packet to discussion with that letter.

Drew said the third was the scheduled meeting for August 27, a continuation of the earlier coordination meeting, this will again be a government to government meeting and if you'll allow one point on that, that was to his understanding the first of its kind in the county where we had explored this legal direction and extended the invitation to the BLM to be present for our government to talk to their government about our local plan. That meeting was open to the public, recorded, the public observed and there was some concern from some of the citizens in attendance that somehow the public voice was muted, discounted or however you want to phrase it. Drew argued the opposite in



the following way, "cooperating agency meetings are closed to the public" and not even allowed to observe much less be present. That is because of a policy reason behind that there is a lot of discussion that happens at cooperating agency meeting that is preliminary and bit and pieces about what the plan might be in the future are effectively drafts and incomplete. The purpose of keeping the cooperation agency meetings closed at the federal level, the federal policy is we want to make sure we get public comment but also want the public comment to be on a finished product". The coordination meetings that this Board scheduled and is scheduling again for August 27 gives the public a direct, open, and immediate access to observe your discussions with the federal government. It is more open than any aspect of the cooperating agency process and that is a move towards transparency for which this Board should receive credit. That why Drew is taking the time to say this. By choosing to pursue the coordination process, you are actually giving our citizens the best possible view into this process throughout the process than you would have had if you chose to just be a cooperating agency.

Commissioner Jankovsky added to that statement and that is as a cooperating agency we sit with the BLM and other cooperating agencies to help write or finalize an EIS although the final word is up to the federal government or BLM in this case. In this first letter, we are expressing out frustration as cooperating agency that our local plan are not even being heard. By going through the coordinating process, we are saying look, this is our local plan and by FLEMA law, you need to consider our local plan so the first letter expresses frustration and the second letter says this is coordination process and you need to consider our local plan. To Fred, this is the second letter just handed out and has a place for the chairs to sign from Jackson, Routt, White River Conservation District, Moffat, Rio Blanco, Grand County and Douglas County Conservation District.

A motion was made to Commissioner Jankovsky - I will make a motion that we approve this letter to the BLM to Director Hankins who is a Colorado state director and also in there are cc's for Jim Cagney the BLM regional director, Governor Hickenlooper, Congressman Tipton, Senator Udall and State Senator Bennet, Senator Jean White and State Representative Randy Bumbargner so we sign this letter to the BLM of land management regarding the cooperating agency review process for the Greater Sage Grouse EIS and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

Commissioner Jankovsky said Mr. Chair there is a second letter in here to State Director Hankins and this is to set up coordination process meeting with the BLM on August 27. One thing that is missing in here is a time and I'd like to confirm it would be better to do this in the morning versus the afternoon.

Commissioner Samson has it penciled in at 1:00 p.m.

Drew thinks it is set for 1:00 p.m. to accommodate travel schedules.

Commissioner Samson stated Ms. Hankins is coming from Denver.

Commissioner Jankovsky said as we go through this coordination process one of the things we'll have to do is come up with a consistency review to talk about how our plan is different from the BLM plan and have that in front of the BLM and also talked when Mr. Ken Brown was here about the science for the Sage Grouse and potential problems with the science. I think we need to start talking about that, Fred has set up a meeting with Colorado Parks and Wildlife for September 5 to discuss the PPR plan and how that plan is working. We have seen some recent numbers, which show a sharp increase in the number of Sage Grouse in Garfield County and Rio Blanco County. Our numbers are much smaller than the rest of the state particularly Moffat and Jackson Counties. After that at some point, we're going to start trying to set up meetings with Fish and Wildlife too.

A motion was made to Commissioner Jankovsky - I would like to make a motion that we send the second letter to Director Hankins concerning our coordination plan on August 27 with a 1:00 p.m. meeting time and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

[attachment Sage Grouse Letters](#)

[Attachment Sage Grouse Letters II](#)

### **3. County Attorney Update: Carey Gagnon**

#### **a. Consider a Resolution certifying the contents of an open space ballot measure for the November 6, 2012 general election - Garfield Legacy Project representatives**

Mary Noone, John Lavey Sonora Institute, Dave DeVanney and Peggy Chu presented the ballot question for the November 6, general election.

A power point was given reflecting the proposed ballot question. As directed by the Board Mary said we have done our homework and have provided this Board an overview of all the meetings before them. They agreed to a 5% administrative fee. Carey has reviewed the question and the resolution before the Board today.

Commissioner Samson had some concerns in the ballot title in that it didn't actually refer to a tax increase in the title. He wanted the voters to know this is a new tax. He hears all the time about the distrust of the government from local and especially federal, it seems like the higher you get the more distrust there is and the point is this is a case where we could put a ballot title so there's no question. The voters look at that and say, the ballot title says this is a tax measure, now you've got my attention, what do they want and then they will read it. Many get frustrated when going into the polls and used the example to prohibit the selling of marijuana and all the double negative type thing. You vote no for the prohibition and does that mean you're voting for this or not. People

become very frustrated and the more information we can give them in a concise manner on something the better it is for us. He thinks it will help your cause in certain circles because if people look at that and say, ballot title - "Ranchlands, Rivers and Recreation Economy Measure" they don't have anything there about this is going to cost us more money. It doesn't say anything about a tax increase. He understands Mary point but I'm coming from an elected officials viewpoint.

Jean Alberico said she left to ask a staff member about the ballot design, the ballot title is normally not on the ballot, it has the Ballot Number and in this case it is a county question, it would be Ballot 1A and has the ballot language. The requirement now is that when you give yes or no it also has to say, yes means you are for this, no means you are against this. Where you will see this ballot title is where we're publishing the Tabor Notice and when you are putting information out about it, it's not standard practice to put the Ballot Title in the Ballot itself.

Drew said he had not fully understood the word economy

Ran

Mary said you don't know if it's a negative or a positive.

Commissioner Jankovsky requested the ballot title be re-phrased to Ranchlands, Rivers and Recreation, Conservation and Open Space Tax Measure. A lengthy discussion ensued with the legal staff, the Board and Jean as Clerk & Recorder.

The Commissioners make the final determination of the language in the ballot questions. Jean informed the Board that the Tabor pros and cons would be where the ballot title would be stated and education to the voters would be in those statements.

Mary stated the word "tax" tends to put the brakes on the voters and would prefer not to have that in the title.

This was tabled until later.

Commissioner Jankovsky - I will make a motion that we approve the Resolution

MOTION

Commissioner

Tom Jankovsky

SECONDER

Commissioner

Mike Samson

VOTE

UNA by roll call vote

[Attachment Garfield sales tax resolution DRAFT - 2012-08-08 \(2\)](#)

**b. Discussion of head gate survey on County Road 309 and direction to staff - Jeff Nelson and Cassie Coleman**

Sherry Caloia counsel for Marion Wells and Marion Wells a Rulison resident were present.

Marion expressed her reasons for seeking counsel saying it was due to the county non-response to this concern. This issue is on CR 309 and Marion says this is a private head gate and doesn't see how this is a county concern.

Chairman Martin asked the next steps in the process and Marion stated flood damage is also something the ditch owners needs to remedy if their ditch is the one that caused the issue and damage to County Road 320.

Marion Wells stated the ditch owners must also be able to divert high waters to meet their calls. None of that is county responsibility. The last thing is the ditch owners are obligated to keep the ditch clean for the proper operation. Last year's high water is a head gate just north of County Road 309 across from her house. In 2011, the high water was huge and damage was done to County Road 320. The head gate worked ever if water was flowing over the top of it. She explained fully.

Chairman Martin explained this was a safety issue and is overflowed on the county road below; therefore, the county deemed it an issue and had the understanding this was on county property. The engineers have attempted to obtain permission to have Marion Wells' permission to go onto her property to access what needed to be done.

Marion Wells refused and again stated this is her private property and not the county's issue. The drainage went where it was supposed to go and nowhere else. The bern under the county road was not compromised during this high water. The water went in its historical drainage and not everywhere else. There was no flooding on her side of the road on the south side. The county's cross pipe that drains from her property to this head gate worked and the roadway was unaffected by the high water. The idea that the head gate and excavation is required above it to make corrections seems to be a false premise. What she has been asking for almost a year not is what is the intent and plan for his and why. At the last meeting Jeff Nelson, County Engineer indicated that this was discussed and indicated a public interest in debris removal to further CR 320 damage and wash out. That is downstream, downhill and a new head gate is not going to correct that issue of debris blocking 320 Road. She needs to know if the county plans to move the head gate, is the course of the ditch intended to be changed and relocate it, change any roadway alignments since it's a prescriptive easement and if the county intends to use that ditch to carry it's flood water. In which case does the county intend to create a new diversion, a new channel or a new easement in the process?

Chairman Martin reiterated it was a safety issue due the height of that head gate and the extreme drop off is a safety issue and the reason we addressed it. You were on the scene when this was done and said all we need to do is extend it out to secure the site of the road so the folks wouldn't go off the edge into that head gate. That's all it was. The attorney was present and it was two years ago. It was simple process of making sure the road was safe on the north side, no drop off at the head gate and it wouldn't be damaged. We want to secure around it so we would not cause damage to it. We're not changing anything, not diver it, pull any water off of it, not trying to do anything except make it a safe area by the head gate. It is narrow and steep drop-off. This was the request to the engineer from this board.

Marion said those discussions took place in 2008.

Chairman Martin said possibly and 2010, 2011 and 2012 and we still haven't got it resolved. We did this on the road, on your driveway with a few others and me.

Marion is concerned about how you intend to do this.

Chairman Martin said this is where we are and it's stagnated into no action simply because we don't have cooperation with everybody.

Jeff indicated they met with all the ditch owners, adjacent landowners and his update to the board would be if we move forward and do some sort of repair out there it is exactly what Marion and John say, it would have to be some sort of partnership. Marion is correct in that it is the ditch owners and obviously they think it's fine. This would need to be a partnership with the ditch owners and the county and the landowner.

Sherry said this is on Marion's land.

Jeff said he wouldn't be in agreement there, the surveys completed by professional surveyors show it is not Marion Wells land.

Sherry asked whose is it then.

Commissioner Samson said that's the sticking point.

Jeff agreed it was the challenge that the county surveyor shows it is on the north property owners approximately 40-acres over there and it's not Marion Wells.

Sherry has a survey and it is Marion Wells's property.

Jeff agreed on the south side but this is on the north side where the repairs need to be made.

Sherry said it is right on the line of her property.

Drew stated we are trying to execute your policy of trying to mediate rather than litigate and one part of the impasse was whether we were going to court to resolve this property ownership issue. That's what we're talking about today is to work it out. We are not abandoning Ms. Wells is not the owners but for purposes of working it out today assume that you are so we can talk about how to get this done. The issue is the debris that may or may not be caused by a head gate that needs to be replaced and the heavy flows combined to damage a county road. It's unsafe and that's the public purpose. In order to fix this whether we do it with 100% county resources or because we're involving a private ownership interest in conjunction with them, all we're trying to do is work together to make an unsafe condition safe and to protect the investment that we put in the lower road. The scope of work doesn't sound anywhere close to touching the types of changes that you are concerned about. We need to get in there and fix it and work together to do so. We're asking your help to accomplish this, so for purposes of trying to work together to help this, assume you own it. What do we need to do here to fix this for everybody?

Marion said again to me we're talking apples and oranges. Are you fixing this for the safety issues of 309 road or fixing the safety issues of 320 road?

Sherry agreed, you've got two things mixed in there.

Drew said whether it's one or the other or both your concern was whether there is a public purpose and your question was, what is the public purpose. The Commissioners have an obligation to address health, safety and welfare needs and they've been talking about this specific issue for sounds like years. It's not apples and oranges, the apple is general health, safety and welfare.

Marion said the proposed work you're doing for repairing a head gate on 309 road will not alter in any fashion what goes on the 320 road which is nearly a mile north.

Drew said the engineers review is contrary to that. I believe and that's always been my understanding of this issue that the unrepaired head gate, the condition up the hill at 309 must be addressed in order to prevent again whether it's every 10-years we have heavy flood or ever down at 320.

Marion said the issues of the debris coming down did not occur from the head gate up. That happened below the head gate.

Drew said assume you are right about that very fact, what do we need to do to secure your cooperation in fixing this.

Marion said number one is it about 309 road safety, is it repairing the head gate to make the road correct.

Chairman Martin said from his point of view and from the original discussion, it is because of the deep drop off to that head gate on the road and we were trying to address that safety issue. The only way to do that is secure around that head gate and either extend or to fortify the side of the road so there's no collapse into the head gate and cause a problem with the ditch. That's what we need to address. That's all as far as I wanted to go.

Commissioner Samson asked if that was 309 road.

Marion said the berm that exists the hillside that exists the head gate location hasn't changed and hasn't been damaged in that last big flood.

Chairman Martin said he was going to concentrate on the drop off and it's almost 3-feet down there Marion.

Marion asked if John could provide me a drawing of what you intend to do to make that correction before a just quick and dirty explanation, anything to tell me how you think you're going to correct that with the head gate 12-feet below the roadway edge.

Chairman Martin didn't think it was 12-feet but it is a long way standing on that roadway, the road was repaired and again that's another issue, but it was raised somewhat that caused that, it's a continued problem. Again, to put a reflector pole saying this is a drop-off is not what needs to be done, it's an issue of safety. We need to take one-step at a time. He asked both Commissioners if they had been out there to look at this issue.

Commissioner Jankovsky asked if a guardrail would help.

Chairman Martin said it could but there's no space for a guardrail and that's the issue.

To secure that around there and put something other than just a dirt berm and a reflector pole would be a lot safer for the public. That's the goal. On the north side on Marion's corner and a drop off on the north side is an issue that a guardrail could solve but that is the other side of the ditch line and a low spot for Marion where she uses that for her farming purposes. You don't want to block that off because of a driveway there. Drew said based on what I've heard, it is a county attorney item so I would suggest it first to the county attorney. My suggestion is to avoid this developing into a legal battle, continue this item and allow the engineer and or road and bridge departments to provide a more detailed drawing or evidence of the proposed work and that will give us time to interact with the private ditch owner so we can structure this. I would ask this item be continued to a date certain so we're not trying to coordinate schedules and round people up and say I didn't know and I heard from friends, etc. The alternative is litigation and I'm trying to avoid that.

Chairman Martin said he is not for litigation just fix the safety problem and we can do it with Marion's request and get cooperation is the way we need to go. Jeff stated it's a catch 22 that Drew, when we deal with access to this property on the north to acquire the data to provide those drawings, that's been a hench point and the holdup which I had surveyors go out and get the data.

Drew asked Marion if we have her permission to go on your property to give you the drawings you need.

Marion asked just to get the drawings and give me an idea of what kind of construction you're going to do whether it's retaining walls or otherwise, I will grant permission to do that but I would like to be there when they are actually surveying.

Jeff said that would work for him, we can coordinate it.

Chairman Martin said Jeff coordinate with Marion and her counsel as to when you can get that accomplished.

Jeff asked the proper procedure to do this and Drew said call and asked her if this will work.

Sherry said to call Marion and she also has email, which you can use to tell you so you can have two methods.

Jeff requested to give that information to the county attorney.

Chairman Martin said this way we will have a time and date and a time and date when we address this issue and take your information and concerns back to the board before we start any kind of construction.

Drew said with the county attorney's consent he suggested this item be continued to September 17, the last meeting in September and gives everybody the most amount of time to work this out. The other choices would September 4 or September 10.

Chairman Martin suggested putting this for September 17 and if there is a date earlier, we can move it forward.

Marion said that would work for her.

Chairman Martin said understand if we get everything in order and there's a request to do it earlier you can have a say on it. Do I have a motion to continue this until September 17?

#### [Attachment C. R. 309 Head gate Survey](#)

Commissioner Samson so moved to have this on September 17, 2012.

#### MOTION

Commissioner  
Mike Samson

#### SECONDER

Commissioner  
Tom Jankovsky

#### VOTE

UNA by roll call vote

### **c. Public Meeting**

#### **i. [Authorize the Chair to sign a Resolution Concerned with the Approval of a Text Amendment to Amend Articles 3, 4, 7, 9 and 16 of the Unified Land Use Resolution of 2008, as Amended \(Continued from 7.16.2012\)](#)**

Carey stated finally the Resolution and it's been a long time coming. Folks are anxious to have these text amendments made effective so this is finally the last piece of the Clarion revision as they've gone through the planning commission and have been the planning commission changes so the text of the land use code and as adopted by this board. What I neglected to do when you heard this the first time was to establish an effective date so all this resolution does it memorialize the vote that you made to

approve the changes to the Articles 3, 4, 7, 9 and 16 of the ULUR of 2008 and would make those changes effective as of today, August 13, 2012.

Commissioner Jankovsky - I will make a motion that we approve the text amendment to amend Articles 3, 4, 7, 9 and 16 of the Unified Land Use Resolution of 2008 and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

#### Attachment LandUse Reso

#### a. Consider a Resolution certifying the contents of an open space ballot measure for the November 6, 2012 general election - Garfield Legacy Project representatives

Mary Noone, John Lavey, Dave DeVanney and Peggy Chu presented the power point related to all the meetings thus far with the Commissioners, submitted information and a resolution for the ballot proposal. Discussion was held in relationship to the ballot title and the ballot language.

Commissioner Samson preferred the word "tax" be included in the ballot title to avoid the distrust of the voters and qualified that by saying from the federal government to the local government there is distrust by the people. We want to avoid that.

Commissioner Jankovsky wanted to change the ballot title to read "Ranchlands, Rivers and Recreation, Conservation, Open Space Tax Measure."

Mary preferred not to use the word tax in the ballot title.

Commissioner Jankovsky - I will amend my motion then for the title to be "Ranchlands, River and Recreation, Economy, Sale Tax Measure."

John Levy said we talked more and another suggestion maybe to be clear that you are not taxing ranchlands rivers and recreation economy, we suggest Ranchlands, Rivers and Recreation Economy Protection Tax Measure so that it is clear that it is to protect these things rather than tax them.

Commissioner Samson said you just told me it was a sales tax and that you wanted that in the title. It doesn't say anything about sales tax there.

Commissioner Jankovsky said I'd rather change it to "A Sales Tax Measure to Protect Ranchlands, Rivers and Recreation Economy."

Mary said why don't we go back to "Ranchlands, Rivers and Recreations Economy Sales Tax Measure".

Commissioner Jankovsky said he made that motion as it is short, concise and to the point.

Commissioner Samson agreed to second the motion.

Discussion

Drew restated "Ranchlands, Rivers and Recreation Economy Sales Tax Measure".

Dave requested to add one more word, put the word protections before sales tax.



Chairman Martin said that is a matter of debate if it is protection, isolation, or putting it on the shelf kind of sterilization. You can get into a whole bunch of stuff there. If you want to do that because what it does is sterilizing the land's use into perpetuity once you put a conservation easement on there not going back. We've had a long discussion and it's not always protection according to some.

Commissioner Jankovsky says its conservation and open lands.

Chairman Martin would just make it a "County Sales Tax for..." Everybody knows what you are doing. For \$2 million dollars a year, you had better have a title. It's a sales tax and an increase in tax.

Commissioner Samson asked Commissioner Jankovsky to read it one more time, "Ranchlands, Rivers and Recreation Economy Sales Tax Measure". More discussion took place.

Chairman Martin said he was not always in favor of a sales tax increase and wished there was a time line on the conservation easement for reconsideration of 25 or 50 years. He went to the legislature to have that amended because at some point this will need to be changed in order to allow the future to make decisions.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

#### **4. Executive Session**

##### **a. Pursuant to §§ 24-6-402 (4) (a), (b), and (e) C.R.S. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the purchase, acquisition, lease, transfer or sale of real property interest(s), and receipt of legal advice on specific legal questions regarding same.**

Commissioner Samson - I will move we go into executive session for the aforementioned reasons.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Samson - I would move we come out of executive session.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Chairman Martin stated there was no decision made only legal advice and direction to our negotiator.

Chairman Martin called to the attention of everyone of Department of Interior's letter in reference to their finding on the KoKopelli pipeline. He received a letter from Judy Campbell who was misquoted in the newspaper on her position on the Planned Parenthood Issue and has a request for us to read it. I did have a call from a citizen who wants to talk about the "Pocket Park" and need some more details on this, as there is some opposition. Randy and him can meeting and discuss the final design, as folks would like to see what that is due to the amount of money we are spending.

### **LUNCH - Noon**

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA: 1:00 p.m.**

Assessor Jim Yellico submitted the abstract of assessments is done and it is our large project in the Assessor's office every year. It's due on August 25 and it done on August 13. That's real kudos to Lisa and the staff in the Assessor's office. They do a great job. I do need to get this signed so we can get this to the Division of Property Taxation. Chairman Martin said in the past when we had the item in front of us we knew Lisa would need more time and we would be accepting the Assessor's assessment upon completion and authorization to sign. We will need to reschedule and make sure it is on the agenda before action is taken. Total valuation for the county preliminary went up \$150,000,000 and that makes it up to \$3.9 billion. The date for this was set for August 20.

### **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

#### **1. Northwest Colorado Cultural Heritage Tourism - Nancy Kramer**

Nancy Kramer Project Coordinator, Judith Hayward Support and Advocate from Parachute, Bill Smith Town of Silt and Helen Rogers Rifle Downtown Improvement District were present. Nancy submitted a handout of a regional brochure produced in May 2012 and gave the history and update of the project. She stated with the contribution of the county for \$12,500 they secured a grant from the Colorado Tourism office. The handout, which included Garfield County making a total of 15 communities, was distributed to 50,000 and now located in 40 different sites, 5 Colorado Welcome Centers as well as distribution points in the region. We are in project Phase II with Garfield County integration and that is with the individual community rap cards. We have 7 communities because we included Marble in this project with another Colorado Tourism office grant. We will be doing an individual rap card for the energy trail project the full on-year program to do a feasibility study is on hold until some of the other tangible projects are done. We will pick this up in 2013. Garfield is getting close to having all the same product materials that the original 4-county group and communities have with that said; she will speak today on Phase III, which are the Community Signs. Nancy met with a local vendor for website development and marketing. All of the Garfield counties are listed [nwcoloradoheritagetravel.org](http://nwcoloradoheritagetravel.org) and she is uploading some photos and it should be live next week. We have submitted a grant to the Colorado Creative Industries, which used to be the Colorado Council on the Arts, which is now

under the Department of Economic Development and International Trade, and that grant is to create short videos of the 20-sub things we have in forces and life of nature. These will be uploaded to our websites when we start developing the travel itineraries next year. We have a grant application into the Colorado Tourism office again for their matching marketing dollars and this year we're requesting \$15,000. This will be a 3-page color regional ad in the official visitor guide for Colorado, which is 750,000 distributions as well as uploaded on the Colorado.com website and include an image and website contract for every community in the program. This includes many communities such as Battlement Mesa and Parachute who have not had that kind of exposure. We'll now next month about that grant. We have some matching funds from Moffatt and other communities to help match. We should be hearing about the Colorado Creative grant next month. We will continue to fund raise in Garfield County. In the future, which is critical to the return on investment when we talk about funding, which is to start these itineraries. The other big project is the Community Gateway Signs, we are in final draft of the community panels for the 11-communities in the original 4-county. This project was funded in part by the State Historical fund and Moffat County tourism. When we talk about our proposal today to support matching funds for the Anschutz family grant, the RFQ will go out for the posts and frames and showed the intent of the design. Our proposal if 50% of the project which for all 6-communities in Garfield County with Battlement Mesa and Parachute sharing the visitors center. The total project is \$55,000 and 50% of that so we are requested \$27,500. We are here today to discuss the possibility of a letter of support to the Anschutz Foundation from the Garfield County Commissioners with a cash match obligation. This match would challenge the other communities to contribute to this project. This grant is for November but will not start until January 1, 2013, if there was consideration for matching funds capitalized out of the County's budget for 2013 so the communities monies can start to move into those media buys and itineraries development.

Commissioner Jankovsky asked if there would be a sign in Carbondale and she said yes. The communities will decide where the sign will be. In Rifle, the chamber has the visitor's center and have the signs adding to the information the value to the people will gain. For those communities without a specific visitor center will look at the most high traffic spot. Silt will most likely want to do that at the Pioneer Village, as it can be a point for taking people on day trips. The Town of Silt is helping us with some way finding signage to get to the Pioneer Village.

Helen representing Rifle said this is a great project layout and information one of the best she has seen and Rifle has many historic assets but you don't know they are there and this is a great avenue to share with the public and the auto tourism that's happening these days. Rifle has a visitor's center.

Judith representing Battlement Mesa/Parachute said the Grand Valley Historical Society has many historical aspects to share and we see this as an opportunity for economic development in our areas. Helen and I have begun initial discussion about how can the Parachute boat ramp and the Rifle boat ramp do something between these towns. This county does not really utilize the Colorado River except with rafting on this end. On our west end of the County, private people might put a boat in but this is a great tourist site to float from Rifle to Parachute on a nice summer evening. The Battlement Mesa Reservoirs in the Parachute area, initial conversation with the Forest Service some

private trips up to the reservoirs for awesome fishing. Our rest stop is considering opening on weekends in the summer months. This will help our businesses. Final thing on the energy trail Sher Long is talking with the Rifle Information Center in Glenwood Springs and Parachute Rest Stop working with the Northwest Oil and Gas Association in creating a historic DVD that would tell the history of gas and oil in our area as well as what's happening today for the visitors.

Commissioner Jankovsky noted in the mock ups for the signs you talked about oil shale in our history and the story about Mr. Callahan and his cabin, which is a great story and Mt. Callahan is named after him.

Nancy has been contacted by the Colorado Tourism Office to sit on the Ag Tourism and Heritage Program committee and they will take on a strategic planning program starting this fall. They will be doing community visits throughout the state. It could determine even a stronger partnership for northwest Colorado with some of the neighboring communities and working with the Four River Colorado Historical Alliance as well. This will help us with a comprehensive plan to start molding what we're doing in the region with the state vision.

Chairman Martin said we can start with many historic stories and they need to be heard and in the locations where they took place.

Nancy said Cindy Hines is helping with the photo collection when we get into finalizing the brochure but the community signs will have some historic photos.

Chairman Martin suggested water jet skis running up stream the Colorado River as the rafters go down stream. The request in front of us is for \$27,500.

### **Discussion**

Chairman Martin said we identify in the budget for 2013 identify in the budget \$27,500 going into this project but it would be subject to the approval of the entire budget.

Nancy said we would request that in the letter for Anschutz Foundation commitment but know we would have to come back and formally.

Chairman Martin said we cannot approve the budget until December 21 and the funds would not be available until after January 1, 2013.

Commissioner Jankovsky asked why we can't encumber 2012 funds as long as we have the approval from the Anschutz Foundation. We could do the grant funds from the BOCC Discretionary Funds.

Commissioner Samson - I will move at this time we grant the Northwest Colorado Cultural Heritage Tourism \$27,500 out of our Commissioner Discretionary Funds for 2012 for the said purpose of the grant match for the Community Gateway Signs, and to instruct the administration to write a letter to the Anschutz Family Foundation with that information and authorize the chair to sign.

Commissioner Jankovsky noted these are matching funds so it depends on the funds from the Anschutz Family Foundation.

Drew noted this was conditional upon receiving those funds.

Carey stated we would need to use our grant form agreement for that deferred to County Management to work with you on getting that process started.

MOTION

Commissioner

SECONDER

Commissioner

VOTE

UNA by roll call vote

Mike Samson      Tom Jankovsky

Commissioner Samson said since we've joined in and others too, it's awesome that we have other communities that are getting excited about this. I liked Helen's comments where she said this is one of the better organizations that you've seen.

**2. County Attorney Update - Land Use Issues: Carey Gagnon**

Carey thanked the Board for the opportunity but no updates for you today

**3. Public Meetings:**

**a. Update on the Advisory Committee on the Land Use Code of Garfield County - Mark Nieslanik**

Mark Nieslanik gave the progress report on the ULUR changes noting that we have halfway through Article 7 and we anticipate finishing that next week. Staff has been very helpful in this process, we have found many duplicates in the County Code in the different articles and thanks to Tamra and Fred, we've been able to streamline many of those and put them together. We think what we're doing is very beneficial to the community and will help with the Land Use Code. It is a long process and we don't anticipate finishing it quickly. Many decisions and changes we have made have taken a great deal of thought and discussion.

Chairman Martin said time is not an issue as we want you to do this review thoroughly and thank you for all your expertise and diligence in Rifle for a full week and more, preparation in months ahead and Mark was there every day. Thank you for your dedication.

Commissioner Samson and Commissioner Jankovsky recognized the countless hours this committee is taking to do this project and please convey that to all of these members.

Mark said in doing this we all have learned a lot and learn something new every week. One more evening we should complete Article 7 and then we find we need to go back and tie it into other Articles that were previously discussed. We will probably get to Article 8 in about 4-weeks.

Chairman Martin urged the committee to look closely at the fee structure as Mark has been through that and understand we wish it to be fair and not put people out of business.

**4. Public Hearings:**

**a. Consider a request for a subdivision preliminary plan on ±31-acres to create five single-family lots. The site is located on Red Hill (CR 107) north of the Town of Carbondale. The Applicants are Paul & Linda Froning, Karen & John Hatchett, and Donald & Billie Froning. - Kathy Eastley**

Kathy Eastley, Mark Chain of Mark Chain Consulting, Yancy Nichol from Sopris Engineering, Paul and Linda Froning, John Pianos of Sopris Engineering and Eric Gross attorney for the project were present.

Carey confirmed the notification process with Mark Chain and after reviewing the document advised the Board they may continue with the public hearing.

Chairman Martin swore in the speakers and Kathy submitted exhibits A - X for the record.

Kathy presented the staff report and a power point showing the subdivision and narrow winding road.

Yancy Nichol requested five different waivers for the subdivision including the road.

Davis Farrar representing the Red Hill Council determined that CR 107 was inadequate to handle more traffic.

Sharon Boucher a resident of Red Hill agreed the road was insufficient to add more traffic and noted the speeding issue on CR 107.

Paul Froning stated this was property for his family to build lots and volunteered to put \$1500 per lot into the solution of the roadway.

Many discussions were held between Mark Chain, Sharon Boucher and Davis Farrar.

Chairman Martin noted we are dealing with the subdivision and not necessarily the CR 107.

Commissioner Jankovsky - I will move we close the public hearing,

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

A motion was made to Commissioner Jankovsky - Stated that anywhere else in the County, any other road in the County if presented to us we would approve it hands down so with that I will make a motion that we approve the request for a subdivision on ±31-acres to create five single family lots, the site is located Red Hill on CR 107 with the applicants being the Froning family with suggested findings as provided by the planning department 1 - 5 and with the following recommendations of approval, 1 - 12 as provided by the staff report, with changes, there is a typo in No. 3 viii control fencing and prevent conflicts as opposed to prevent, Condition No. 6 would be changed to read, "The Board of County Commissioners will support the requested waivers regarding the road as presented in the planning department presentation and a condition will be included which requires the applicant delineate snow storage areas permitted to occur in the blanket easement area, leave No. 7 as is, Commissioner Samson - do you keep the last sentence of the easement, Commissioner Jankovsky yes leave the last sentence there, they have the room to put those into the blanketed easement areas and add No. 13 "there be not bifurcated lots allowed in the subdivision" and I'm not sure about the fees so I'm going to leave that up for discussion. Like to hear some discussion about the \$1500 fee to be paid at building permit.

Chairman Martin clarified it was not included in his motion, subject to go ahead.

Commissioner Jankovsky, I'm open to discussion.

## Discussion

Chairman Martin - Conditions 1 - 13 and all the subsets to the conditions of approval.

Commissioner Samson - Before we get to that, we had, they wanted to waive some conditions...

Commissioner Jankovsky - That was the road waivers in Condition No. 6 concerning the road standards,

Commissioner Samson - We're okay with that

Commissioner Jankovsky - Road standards as presented in the planning department presentation.

Commissioner Samson - All right. \$1500 for 3 lots. Give us some background, what were you thinking, what was your mindset when you took your last action as a Board concerning the road, public access and ...

Chairman Martin - First it was the acceptance of the BLM allowing us to go to Mushroom Rock and the private property owners understand it was going to be a recreational area. The whole plan was to go ahead and have a trail from the lower part to the Mushroom Rock area up the road or off the side to the west. That's what we had discussed and wanted to do, it was a future plan, try to do it, be able to accomplish that goal and its 1999 and we are in 2012 and we haven't got that accomplished. The study that's going forward, I think we definitely need to be a part of on the feasibility and we had again a willing landowner to step forward set the pace and it was above and beyond what the land use requirements, it's a feather in their hat, if they wish to go ahead and contribute that money at the time of building permit to put towards this project, that concretes everyone else on the Red Hill Coalition to do the same thing as well as the County to address this particular issue and get things rolling before 2014.

Commissioner Jankovsky - I know there would be willing homeowners on Red Hill to pay \$1500 to get this issue resolved. I know that to be a fact.

Chairman Martin - If we were to accept that again, it's a very generous offer, not a requirement in our land use, but we do have the safety issue.

Commissioner Samson - It's good faith on their part. They might even be the ones to take the lead and go forward.

Chairman Martin - I think Davis Farrar is going to be doing that anyway. But the Town of Carbondale, the .... Again, they are the first landowners that came up with that particular approach which is admirable.

Commissioner Jankovsky - I agree, it does show a commitment on their part, I do want to help this family with their estate planning to split the lots that's important and what this has done is brought Davis and Sharon here and brought to the forefront the problem that's there and we hear about it in emails. I definitely heard about it when I was campaigning actually had people on Red Hill talk to me about that and we haven't done anything about and we need now that it's brought to the forefront need to move forward on this problem.

Chairman Martin - The issue is do we accept that offer in the Resolution of approval or not.

Commissioner Samson - I think it's a good offer and I haven't heard a better one, with that being said, I think we should.

Chairman Martin - Are you offering a substitute motion?

Commissioner Jankovsky - Condition No. 14 Mike if you want to put that in there.

Commissioner Samson - Just accept the voluntary offer made by the party that each lot will contribute \$1500.00 at the application of the building permit for the express purpose of safety on or along 107 road.

Carey - This is not a discussion that I had contemplated coming up today. I would appreciate and I do appreciate Chairman Martin's concerns that we are on legal footing. I would request some additional time to ensure there is a connection between the fee being requested and the improvements before you were to move forward just to ensure we are within safe legal bounds. I apologize that I didn't prep that for today but I would appreciate the opportunity to look at it closer before you move forward with that as a condition of approval.

Chairman Martin - Would you want to postpone this particular vote on this motion until you had time to research that or do you wish to restate the motion without that? Again, if we do a motion of approval and it's for, that's not a condition of approval, adding that is a real issue or changing issue.

Carey - It does make it more difficult if you are making changes to a Resolution after the fact. My request would be to allow me the week to do the research necessary, I can report on Monday, and so we can finalize this discussion after the continued hearing. I want to make sure that we are on safe legal grounds.

Chairman Martin - So, we will postpone that motion for legal research and feedback to the board and call for the question next Monday.

Carey - May it please the Board that would be my request.

Chairman Martin - Okay.

Applicant asked to make comment.

Chairman Martin - This is deliberation and we cannot take any testimony in reference to that...

Carey - Yes, so I'm going to anticipate the other question that may come up there may be a question Condition of approval No. 13 as it has been proposed by Commissioner Jankovsky and that there be no bifurcated lots. That is internally inconsistent with recommendations that you've approved otherwise so Plat Note A 11 would allow a bifurcated lot simply with a plat note if you were to request that there be no bifurcated lots that would require a change to the plan that's been presented.

Commissioner Jankovsky - I guess what I was trying to get at is any bifurcated lots would not be further subdivided, that's what I was trying to get at. That they would not be at some point sold separately as a separate lot.

Carey - Certainly, a plat note is the vehicle to prevent the future sale of the separate part of Lot 3.

Commissioner Jankovsky - So we can go ahead and delete what I considered Condition No. 13 because it's taken care of in No. 11.

Chairman Martin - Allow Lot 3 not be able to be conveyed as a separate lot.

Carey - Yes.

Commissioner Jankovsky - That's what my intent.

Carey - If that is your intent then 3A XI does cover that intent.

Chairman Martin - Mr. Samson, how do you do that, it is acceptable to the second. Any other clarifications? We will go ahead and allow you to do your research and take action on this on the continued schedule for next Monday. To the applicant, I'm sorry I can't



take testimony on this particular issue, if you have a real issue, when you come forward next Monday and you can make a request to reopen the public hearing at that time and we will have to rescind the vote and not take that and go into public session again. Then make a motion to close and a motion to approve or disapprove. That's what we're up against. Counsel, are we okay on that?

Carey - Thank you very much for the additional time, I do appreciate it and apologize to the applicant that I didn't come prepared for this particular component of the discussion but I do want to make sure the Commissioners are making a sound legal decision.

Chairman Martin - We don't want to take advantage of a willing applicant and still be in the wrong, so thank you.

Mark Chain - Do you know when that might be on the agenda Monday or is that subject to the agenda being set?

Drew - I think it's first on the P.M. agenda, continue to the land use agenda.

Chairman Martin - About 1:05 p.m.

Carey - Did you take a vote, Commissioners did I miss it. Did you vote to continue?

Chairman Martin - We have not taken a motion for that one yet but we will do that we're still getting clarification.

No vote was taken on this motion, rather continued to 8-20-12 at 1:00 p.m.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky - I will make a motion that we continue this application for one week. 1:00 p.m. on August 20.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

[attachment Froning application and staff report](#)

## **COMMISSIONER ISSUES**

### **a. Commissioner Reports**

### **b. Commissioner Calendars**

Commissioner Samson has a coal conference tomorrow in Craig but will leave early to attend the Fairboard meeting at 6:00 p.m.; Chairman Martin will cover the Library breaking ground in Carbondale at 4:00 p.m.; Have an FMLA meeting at 9:00 a.m. on Wednesday, August 15. Thursday we will be doing the public interviews of the County Attorney candidates here from 5 to 6 p.m. and on the 17th the three Commissioners will be all day in Executive Session interviewing those candidates. Saturday the 18th from 4 - 7 p.m. there is a Burning Mountain Fire Department Barbeque at the Stoney Ridge Pavilion for a pig roast in Silt and all three of us are invited. Drew suggested this be posted.

Commissioner Jankovsky said a meeting with Drew and Mary at 8:30 a.m. to go over the Human Services Grants, meeting with Dr. Jensen CMC at 7:30 a.m. on Wednesday. Meeting with Tamra Allen 10 a.m. to discuss final recommendations from us for the BLM (RMP) Resource Management Plan and then on an oil shale tour on the 16th, RD&D Leases for American ANSO and Arnold Mackley and also going to American Soda plan as well on the 16th. Then County Attorney interviews on the 17th.

Chairman Martin needed a follow up in reference to 109 and 154 road for the port-a-potties and the permit issued by the Division of Wildlife; those have not appeared yet and have been receiving calls from the Westbank Subdivision. They would like to know why the division, and the county and why people are going to the bathroom in the bushes. They would like that resolved. I have a number to call and handed it to Drew. Fairboard, Library, Interviews already stated and mentioned the Town Hall Meeting in Battlement Mesa on August 23 at the Fire Station.

Drew had a request on that item, it's not at the Fire Station, rather the Town Hall with Battlement Mesa at the recreational center on Arroyo Drive. There was a request for any other agenda items beyond the presentation pertaining to the West Parachute Interchange.

Commissioner Samson suggested talking about the Library Trail and we will have the Parachute Library Trail dedication at 10 a.m. on Saturday the 25th at 10:00 a.m. Then at 11 a.m. is the Rio Grande Trail dedication.

Commissioner Jankovsky will attend that one but not in Parachute. The other thing for the Town Hall is the Northwest Tourism Heritage we had the presentation on today.

Commissioner Samson had hoped we had that on the website about the meeting on the 23rd and we are advertising that meeting.

Drew commented it has been advertised and it's been on the website for about a month.

**c. Approval of Minutes**

**d. Commissioner Agenda Items**

**ADJOURNMENT**

**This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. If special accommodations are necessary per ADA, please contact 945-5004 prior to the meeting.**

**Prepared by: Jena Thompson**

**August 6, 2012**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

## **GARFIELD COUNTY, COLORADO**

**ROLL CALL - 8:00 a.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA - 8:05 a.m.**

### **REGULAR WORK SESSION:**

#### **1. County Sheriff Update: Lou Vallario**

Lou - Tomorrow night is the annual national night out event. This event goes across the country; it is a night against crime. Everyone supports reducing crime and law enforcement. He believes the City of Glenwood will do as they have in the past. His office will be in Battlement Mesa at the shopping center from 4:00 - 8:00 p.m. Fire danger; he has taken off the fire bans, both federal agencies and himself, which is subject to change. In Garfield County, they have the international fire code, which requires all open burning to have a permit. They won't be issuing permits until Labor day. Charcoal grills and gas grills may be used. School resource officer program; because of budget restraints within the school districts, they were unable to match the obligation. Lou wants to continue this program they are finalizing an agreement. It's more of an IGA, it is not a contract any more since there is no exchange of money. They are good to go.

Drew - The resource officer will be the sheriff's employee and the agreement is between the sheriff and the school district.

#### **2. Clerk & Recorder Update: Jean Alberico**

##### **a. Resolution authorizing the County Clerk to have the Clerk's office open only for recording and election purposes on Tuesday November 6, 2012**

##### **Attachment Resolution Gen.Elec.Closing**

Jean is encouraging county employees to be election judges and get their names to her for training.

Commissioner Samson - I would move that we pass the resolution concerned with the request to close the County Clerk's office in Glenwood Springs and Rifle for the general election to be held on Tuesday, November 6, 2012.

Commissioner Jankovsky - It will be open for recording and election purposes, second.

Jean - Essentially, she is telling people they cannot get their license plates, stickers, birth certificate or a marriage license on that day. Election purposes at Rifle only and in Glenwood the recording department will remain open.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

**b. Approval of six combined polling locations for the November 6, 2012 General Election**

Attachment Garfield County Polling Places 2012

Jean - The only one changed, for a number of years they had one combined polling location except Rifle because there was not a space big enough. It did cause problems as people showed up at the wrong place. Her staff looked at the fairground and it meets all their needs and ADA requirements.

Commissioner Samson - I would move that we approve the Garfield County combined polling places for November 6, 2012 as outlined by the clerk.

Commissioner Jankovsky - I'll second that, I just have a question. Jean, you split precinct 18 between Silt and New Castle, is that correct.

Jean - We do, this came from the re-districting in 2000 where they put this precinct that basically had no public buildings. About a third of the people traditionally voted in New Castle and the other two thirds were north of Silt. They've been doing that since 2000 allowing them to choose whichever is the most convenient place for them to vote.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Mike Samson	Tom Jankovsky	

**c. Request for issuance of a temporary liquor license and to set a date for a public hearing for the transfer of ownership from Rainbow Hospitality Inc dba Sunlight Mountain Inn to Ryon Resorts, Inc dba Sunlight Mountain Inn - Applicants are Clayton and Katrina Ryon**

Attachment Temp.Liquor License Ryon Resorts

Katrina Ryon was present.

Jean - The Ryon's would like the liquor license currently being held by Rainbow Hospitality Inc. dba as Sunlight Mountain Inn to be transferred to Ryon Resorts Inc who will be doing business as Sunlight Mountain Inn. The first step of the process is that they are here today to ask for the issuance of a temporary liquor license and also asking the Board of County Commissioners to set a date for their public hearing. Jean has received a complete and total application with payment of all fees from Ryon Resorts Inc.

Commissioner Jankovsky asked Jean if she had a recommendation for the hearing date.

Jean - If possible, the hearing date cannot be less than 30 days from when the application was submitted in full. She received it on the 31st and they can do either September 3 or 10th.

Carey - It would actually be the fourth.

Commissioner Jankovsky - I'll make a motion that we approve a temporary liquor license and set the date for September 4th for the transfer of ownership from Rainbow Hospitality to Ryon Resorts for the liquor license at Sunlight Mountain Inn.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**3. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**

- a. **Approve Bills**
- b. **Wire Transfers**
- c. **Changes to prior Warrant List**
- d. **Interfund Reimbursement Request**
- e. **Authorize the Chairman to sign a Resolution of approval and a Land Use Change Permit for an amendment to the North Bank Gravel Pit located 2.2 miles east of the Town of Rifle. Applicant is Lafarge West, Inc. for North Bank Holdings, LLC. - Kathy Eastley**

[attachment North Bank Reso & Permit](#)

- f. **Authorize the Chairman to sign a Resolution of Approval for a Land Use Change Permit for a Limited Impact Review of a Material Handling - Water Impoundment Facility, known as the Hunter Mesa Ponds Water Storage Project, located approximately 5.4 miles southeast of the City of Rifle, off of County Road 319. Applicant is Benzel Land LLLP - Glenn Hartmann**

[attachment Benzel Hunter Mesa Water Resolution](#)

- g. **Authorize the Chairman to sign a resolution memorializing the public hearing and decision regarding a request for the Mt. Callahan Communication Facility located on OXY USA WTP LP land accessed from**

**Logan Wash and located approximately 3.5 miles west of the Town of Parachute - Molly Orkild-Larson**

[attachment Mt Callahan Communication Facility Reso & Permit](#)

- h. Authorize the Chairman to sign a Land Use Change Permit for Mt. Callahan Communication Facility located on OXY USA WTP LP land accessed from Logan Wash and located approximately 3.5 miles west of the Town of Parachute - Molly Orkild-Larson**

[attachment Mt Callahan Communication Facility Reso & Permit](#)

- i. Approval of and authorization for the Chair to sign an agreement with MKK Consulting Engineers, Inc.?Gene Duran**

[attachment MKK consent](#)

\ Chairman Martin - Do I have a motion to approve the consent agenda?  
Commissioner Samson - I would so move.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

#### **4. County Manager Update: Andrew Gorgey**

Drew - Some preliminary matters; at staffs request, they are asking that 4a Roman II regarding payoff of the pay off the 2006 certificates of participation be continued to 1:00 p.m.

None of the commissioners had an objection.

Drew - Second is an announcement he knows they will cover in the calendar portion of the afternoon meeting; reminding citizens that August 23rd, which is a Thursday, is the date for the town hall meeting with the Town Council for the Town of Parachute and that meeting will begin at 6:00 p.m. From 6:00 to 7:00 p.m., a joint work session with their Town Council followed by a town hall meeting from 7:00 to 8:30 p.m. It is located in the Battlement Mesa Activity Center, 398 Arroyo Drive. This was advertised in the relevant local media. The last item refers to a letter the board had previously sent to the River Conservation District requesting to effectively be put in line for water rights from the Rudi Reservoir. There were 19,585-acre feet available through the Colorado River Water Conservation District. The total requests exceeded the available supply. they received over 27,000-acre feet and what counsel for the River District has done is working with everyone who requested, tried to accommodate those with the smallest requests first. Garfield County falls into a group of a larger request or anything 1,000-acre feet and over. Having satisfied all the local municipalities and their requests, they basically have divided up the balance proportionately and what the pro rata reduction to Garfield County's request is they would be going from 1,000-acre feet to 683.8-acre

feet. He just needs their direction not so much a motion as to if that is okay and they have a questionnaire to fill out. If staff could do that on the board's behalf and then present it to the chair for signature he would appreciate that. It really falls under their earlier motion if they want to make a separate motion.

Chairman Martin - Any comment or direction?

Commissioner Samson thinks they should get what they can.

Commissioner Jankovsky thinks they need to buy the 683.80.

Drew - Those numbers may adjust as these requests are actually processed. The ultimate decision is the Bureau of Reclamation.

Commissioner Jankovsky thinks this help protect the future with water rights. It keeps western slope water on the western slope.

Drew - I have your direction to proceed as asked.

Chairman Martin - Yes.

#### a. Public Meetings:

#### i. 2013 Holiday Calendar - Katherine Ross

##### Attachment Holidays

Katherine - Every year she comes before the board to have them determine and approve the next year's holiday calendar. They make sure they are aligned with the personnel policies and procedure manual. She also pulls what the feds typically do. It will be included in the budget process and that is why they are presenting so early. Commissioner Samson looked at it as exactly how it should be.

Commissioner Samson - I would move that we approve the 2013 holiday calendar as presented.

Commissioner Jankovsky - Second but I would like some discussion. I hate the way these holidays fall on Wednesdays. We just had that with Fourth of July. Effectively if we closed down the 24th, 25th which is a Tuesday/Wednesday; we might as well be closed on the 23rd. I'm talking about Christmas. Christmas falls on a Wednesday we will have less than half of our staff here on that Monday the 23rd because they'll all take a vacation day so they can get a long weekend, which I don't really mind that. There will be minimal staff on the 23rd.

Commissioner Samson - I think we should probably ask Jean. I know that what was it two or three years ago we had that situation and I said let's give them an extra day. How does that work out for your staff?

Jean - They would definitely love to have that longer weekend but for just the process and what needs to be done in my office. If a handful of people take a paid day off but it would make things difficult for documents needing to be recorded because often times near the end of the year there are transfers that need to be done. It's not so crucial this week around Christmas; it's more around New Years. And we are not talking about any extra time there, just New Years day.

Katherine - In 2013, it's a Tuesday so there would be a Monday of 2012 that would be a workday.



Jean - We'll pay for it because we probably have the most public.

Commissioner Jankovsky - I'm looking at December 2012 and Wednesday the first would be holiday as well, which really gives us two weeks in a row with holidays dead in the middle of the week.

Commissioner Samson - Does that create, talking to Jean, a hassle for people who need to get things done through your office, the public if they don't get it done Friday the 21st they wouldn't be able to get it done until Thursday the 26th.

Jean - That could make things difficult for people who have temporary permits that expire. The state did with their exemptions take that into effect if the county offices closed then it wouldn't trigger the late fee if they didn't get in. Otherwise, they would have a \$25.00 late fee if they let their temporary expire or didn't get their vehicle registered on time.

Commissioner Samson - So do you have a recommendation?

Jean - My preference is you go with the calendar Katherine suggested and let the departments deal with staffing on that Monday.

Commissioner Samson - Drew, do you feel the same way.

Drew - Well I do. The saying among employees is the short weeks are always the longest; they just end up doing more on the days they are here. While it's true there are persons who will take off December 23rd, a Monday and have five days off in a row, there are those who work that day save their vacation for another time and access to the public remains open. I think these things work out and this year is inconvenient and next year less so and one of those years you'll hit it just right where the 24th and 25th are a Thursday and a Friday. I would take a moment just to say thank you to the three of you because not all counties allow county staff to have off the day after thanksgiving. They insist that everybody work that day and not all counties allow a second day for Christmas. We really appreciate that it's makes a big difference in morale.

Commissioner Jankovsky - I'm okay with it; I just wanted some discussion on it.

Jean - And both Georgia and Lou are here if they want to weigh in.

Lou - We're always open it really doesn't matter. Of course, you know our deputies are on a different schedule with the 28-day pay period. They take holidays different than other people have. It's really not an issue. And as far as the staff; I agree if we leave the calendar the way it is set we all have the opportunity to say so home early or a skeleton crew or something. Again 50% of the staff will take vacation because they want the long period of time and the other half will save it for another day. We'll have the doors open.

Georgia - I agree with the other elected officials and the county manager that it's probably appropriate to keep the county open on Monday of that week.

MOTION

Commissioner  
Mike Samson

SECONDER

Commissioner  
Tom Jankovsky

VOTE

UNA by roll call vote

**ii. Pay-off COPS 2006 - Ann Driggers**

Attachment COPS 2006 Payoff Staff memo



Continued until 1:00 p.m.

**iii. Consideration/authorization for Chair to sign FAA Certificate of Title re: Baron Lane/Levinson**

**Attachment-Baron Lane FAA Cert of Title**

Carey - Her office continues to work with Brian Condie and the airport subcontractors to close out some FAA required projects. Today they have a certificate of title; Carolyn Dahlgren has gone through the entire title search for one of the parcels depicted in Exhibit A. Based upon the title search they have identified the county is owner in fee subject to certain encumbrances outlined in schedule B; however, none of those encumbrances affects airport operations and would not impact the FAA approval. They are requesting signature and it is based upon advice from your Assistant/Deputy County Attorney Carolyn Dahlgren, they are safe to sign this document.

Commissioner Jankovsky felt it looked like they just owned the runway; is that correct? Carey - There is more than that. There are several different Federal project AIP process; this one is one of the specific components of that and one of the closeouts is to identify ownership of the parcels that have been highlighted in color. It's not intended to be a complete picture of the county's ownership; it's just the outstanding items that need to be completed or closeout of this particular project by the end of the year.

Commissioner Jankovsky - I'll make a motion that we allow the chair to sign the certificate of title for parcel 17 as presented for the Garfield County Airport.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**iv. Consideration of a resolution adopting the Garfield County Multi-Jurisdictional Natural Hazard Mitigation Plan and direction to the Chairman to sign the letter of promulgation for the Integrated Emergency Management Plans and Continuity Framework - Betsy Suerth and Tamra Allen**

**Attachment MJNHMP BOCCAdoptionMemo**

**Attachment Natural Hazard Mitigation Plan**

Tamara and Betsy gave a power point presentation.

Tamara - What they have been working towards is building an integrated emergency management system for the county. The board saw a similar presentation in March. The intent is to develop a system where they recover quickly. This plan is evaluated every 5 years per FEMA.

Betsy continued the presentation. The county manager oversees this plan.

Commissioner Jankovsky asked Tamara to talk about mitigation. In every community there are homes that are built back up in the forest and are very vulnerable. Is there any action on the part of the county or the fire departments to actually talk to and educate homeowners?

Tamara can't speak to what the educational outreach the fire district do. But in the county building and planning office they have a variety of materials that talk about the wildland urban interface that is available to people. They do have information available if they are building in that type of setting.

Chairman Martin - There is a program used by the fire district and the sheriff called Fire Wise. He explained.

Drew visited El Paso County after the Waldo Canyon fire. The consensus with regard to mitigation was that in the main part of the fire there is really no mitigation effort that would save it. But for home on the fringe, mitigation was the difference between saving a structure and losing it. What he would suggest, the annual review of these plans they have been trying to take a comprehensive look at all of the safety and emergency response outlets. The safety public council meets on a monthly basis to talk about safety issues. He suggests they try to plan for some sort of public education next spring.

Chairman Martin - Action today is to do a letter, which is supplied.

Tamara - Two pieces of potential action; one is the adoption via resolution as well as signing of the letter.

Commissioner Jankovsky - I'll make a motion that we approve the resolution adopting the Garfield County multijurisdictional natural hazard mitigation plan and allow the chair to sign the letter of promulgation for the integrated emergency management plans and continuity framework.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**v. Recommendation to award a contract to Dale's Quality Construction Services, LLC for the completion of the 7th Street Pocket Park - Randy Withee and Jamaica Watts**

**Attachment Pocket Park**

Drew wanted to congratulate Betsy, Randy, and Jeff on two time sensitive requests of the board. One was the fans for the arena and also the coming recycle facility in collaboration with the City of Rifle recently opened.

Jamaica - This was posted July 13th and they received two bids. Dale's was found to be the lowest and they are asking to award the contract in the amount not-to-exceed \$48,899.54.

Leslie explained how the work was being done. They will provide volunteers to do the work and the county will provide the materials with a budget of \$7,040.00. Good news is they could be done in six weeks.

Randy went over what all they were getting with this project. Drew wanted to remind the public the ownership of the parking lot is 75% county and 25% city. More specifically the county owns 100% of half of it and half of the other half. He wanted to remind the commissioners that the agreement for ongoing maintenance is still under negotiation with the city. Second, he wanted to make sure Leslie was aware of tomorrow's presentation regarding the bridge. Leslie will be there.

Commissioner Samson - I would move that we would approve the award of a contract to Dales Quality Construction Services, LLC in the amount not-to-exceed \$48,899.54 to complete the construction of the 7th Street pocket park and authorize the chair to sign such.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**5. County Attorney Update: Carey Gagnon**

**a. Consideration/approval of Resolution Approving 2012 List of Arbitrators for Property Valuation Appeals**

**Attachment Reso Approving Arbitrators**

Carey - They should recall that one of the appeals avenues for petitions who were dissatisfied with decisions made by the BOE is to go to arbitration. What the counties do every year is to compile a list of folks who are qualified under state law to serve in that capacity. In the event that any of our petitioners would like to use our arbitration then those individuals are available. The board has today two individuals who have met the qualifications, expressed a willingness to serve again this year, and are the same folks as last year. Carey explained how they obtain these arbitrators and they are paid a nominal fee.

Commissioner Samson - I would move that we pass the resolution approving the 2012 list of arbitrators for property valuation appeals as presented and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**b. Public Hearing by the Board sitting as Medical Marijuana Local Licensing Authority**

**i. Consider request for Local Verification for OPCO operated by Green Natural Solutions, Inc.**

[Attachment Green Natural Solutions Med.Marij.](#)

Carey asked that the BOCC convened as the local licensing authority for medical marijuana. This is a public hearing and is the first local verification process since the board adopted a local verification resolution effective July 1st. This is part of the local requirements that the county has created in response to statutory requirements that the board reviews and signs off on approval for a state license optional premises operations within unincorporated Garfield County.

A motion was made to Commissioner Jankovsky - I'll make a motion that we convene as the local licensing authority for medical marijuana.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Shalynn Hofert owner of Green Natural Solutions was present.

Carey - There is a slightly modified notification requirement. Pursuant to statutes and the county's own resolution the two types of notification is it must be published in a newspaper of general circulation not less than 10 days before the hearing and posting of notice on the property in a manner that is plainly visible to the general public.

Chairman Martin - Swore in the speakers.

Carey - Based upon the applicants testimony and the exhibits submitted in her application; Carey believes the applicant has complied with the statutory notice requirements.

Chairman Martin accepted the notification into the record.

Commissioner Jankovsky would like to take each location one at a time not as one application.

Carey did not have a presentation, as this is a new process. She would remind them their role as the local licensing authority is to make two determinations for each of these OPC's. The first finding they will need to make is that the OPC, or the grow op, will comply with the minimum state licensing standards. The county did not adopt any local licensing standards and instead have deferred to the state licensing requirements as the county's minimum standard. The board would have to make a finding that the OPC would comply with state minimum licensing requirements. They would also need to make a finding that the OPC, because these appear to be existing operations, was in operation in unincorporated Garfield County prior to implementation of the county's moratorium. So before June 21, 2010. If this is not a new operation and they find there insufficient information to support that finding then the applicant would have to demonstrate that they can meet the local land use requirements.

Commissioner Jankovsky - If they don't go to the second finding prior to 6/21 then we would go to the local land use code?

Carey - Correct. If they were not operating in unincorporated Garfield County prior to the moratorium then they are not considered an existing operation. All new operations

who came into effect after the moratorium must comply with the unified land use resolution.

Commissioner Samson wanted to make sure everyone was clear in the audience. Those are the two things this board does as Carey outlined. We, as a county, do not license. They will not be issuing any license for this. They have to do those two findings and then send on to state who issues the license.

Carey - Absolutely correct! To keep that in context they are sitting as the local licensing authority by requirement of state law. This is mandatory that they do this. It is the last part of the state licensing process. Applicants must receive a local verification from the local licensing authority before they can receive a state license.

Commissioner Jankovsky - We will not be looking at a variance to our land use code.

Carey - Not at this point; no. For those that are existing operations and even for those that are new operations, they have separated out the land use process from the local verification process. What the board is hearing today as the local licensing authority is strictly just a local verification process. Any land use issues will be dealt with separately through the building and planning department. Either as establishing, it is a legal non-conforming use and that it was in operation prior to our land use regulation when into affect. Or it will be processed as a new application. There are two separate processes; it is confusing especially for the members of the public who certainly have land use concerns, which may or may not be relevant to the board's considerations today.

Chairman Martin - This is to establish if these were in business prior to our moratorium date.

Carey - And also to demonstrate compliance with the minimum state licensing requirements.

Commissioner Jankovsky - In doing that, we would be looking at; for the minimum state licensing requirements, we would be looking at is this packet complete?

Carey - Correct. Do you have sufficient information to determine that they have adequately addressed all state law concerns involving safety, security, processing, addressing the waste issues. Those are the minimum state licensing requirements that they will need to hear information on from the applicant.

Shalynn believes she has given adequate proof that they were established before the June 21st moratorium. The first grow, 7 Oaks, she has lease agreements, it is in an HOA and she obtained letters from the surrounding homeowners that share a fence line with the property stating they do not mind their grow. They were aware of the grow and know when it was operational. Her operation started November 12, 2009. She has provided copies of the secure facility from the Medical Marijuana Enforcement Division which they have already done an inspection. She has that on both facilities and has completed all the state requirements.

Carey asked Shalynn to explain whole process. Has she had investigators on site; what did they look for.

Shalynn - Investigators from the MME came to both facilities. They have done a complete walk through of the facility and verified their security system is up to state law. Their cameras and DVR's are all on the required DVR list. They have adequate back up for 20 day required video surveillance. Their waste procedures have been approved. Shalynn felt this was all she had to add that hasn't already been provided in the packet. She asked if they had questions.

Carey - If she could start at 7 Oaks Road, she began operating on Nov. 12, 2009. Please describe the parcel it is situated on and what the OPC looks like.

Shalynn - The parcel is 39 acres and the landlord lives on that acreage; their home is right up the driveway. Further down the driveway there is a gated entrance which is locked and that drives down to the grow. The grow facility is a steel warehouse building at 9,400 square feet and it is also locked. It has all the commercial grade locks required and it's completely fenced. There are signs on the building stating this is a limited access area, secure facility, and licensed badge required.

Carey asked if it included a business name on the warehouse.

Shalynn - No.

Carey asked if there are any other forms of advertising on the warehouse.

Shalynn - No.

Carey asked if she would describe the lighting inside and outside the warehouse.

Shalynn - Outside is very minimal; there are two outdoor lights on the doors, motion detectors that are set 10 feet out because there are horses on the property. Inside there is 85,000 watts of grow lights. They are separated by different rooms. There is a mothering room where you have all of your plants and that wattage continues 24 hours a day. The vegging room which is also 24 hours a day and the flowering rooms which they have three different flowering rooms and those lights are on 12 on 12 off cycles. There is absolutely zero leakage at night. The lights are off and the mothering room is sealed.

Carey - There is no light leakage from the warehouse that affects any neighboring property?

Shalynn - Correct.

Carey asked how many access doors are there to the warehouse.

Shalynn - Two.

Carey - Are those from two-fold access and what does that mean?

Shalynn - Yes and they have commercial grade locks; the deadbolt lock is commercial grade. The hand knob is an auto lock; you have to have a key to get in and out and is required by state law.

Carey - How many employees are on sight and are they licensed employees from the state?

Shannon - Two and yes.

Carey - What is that licensing process?

Shalynn - A 12-page packet of information they fill out on themselves. Submit fingerprints to the Department of Revenue. They run a background check and provide the licensing upon approval.

Carey - Does anyone else that is not a licensed employee have access to the site?

Shalynn - The landlord but he is a licensed employee.

Carey - Do you have a lease agreement dating back to 2009 and was that included in the packet?

Shalynn - Yes.

Carey - Does all of the product they produce service their MMC (Medical Marijuana Center)?

Shalynn - It does; they do not wholesale any of their product. They seal it in airtight containers and they save it in their safes at the store.

Carey - 100% of what they grow there to their MMC.

Shalynn - Yes and the waste is transportation manifested up to a kitchen in Denver, which they have a lease with. They make concentrates of that and all of that goes back directly to the store as well.

Carey - Where is their center located?

Shalynn - 716 Grand Avenue, Glenwood Springs.

Carey - Could you describe for us how product gets transported from the OPC to the center.

Shalynn - As required by state law they weigh whatever is being transferred on the scale in plain view of the cameras. It is recorded on transportation manifest, it's scanned and faxed to the state for approval via e-mail and then print out. Whoever is transporting, either one of them transport to 716 Grand Avenue, Glenwood Springs. They weigh it again on site on camera and it is either dispersed in cans on the shelf or sealed and put in the safe.

Carey - Would you ever have a third party transport from the OPC to the MMC?

Shalynn - No.

Carey - How many times has the MMED come out to investigate on the site as part of their licensing process?

Shalynn - Three.

Carey - When was the first time they were out on site?

Shalynn did not come prepared with that date. She believes the first time was November 2010. They just wanted to see it. They gave them some recommendations as to what they needed to do to become compliant. They returned February 2011 and the final approval, the date is on the copy they have in the packets.

Carey - What were the issues they identified between their first and their third visit?

Shalynn - They had to move a placement of a camera. One camera wasn't viewing enough area. They had to buy another hard drive for their DVR. She needed to have two, one 20 days on site and one 20 days off site. They needed to sweep up the leaves and put in piles as to where they were being transported. If it was a trash pile or a concentrate pile that needed to be moved to the kitchen.

Carey - Do they do any growing outside of the warehouse?

Shalynn - No.

Carey - At this time, she would like the commissioners to take further comments from the public and further questions on the 7 Oaks Road only.

Commissioner Jankovsky - This goes back to state minimum licensing requirements; have they been a party to a lawsuit in the past 5 years and it says yes and there was nothing in the packet. It states that people do receive income from this grow but when he looked at the profit and loss statement they don't show wages. Is the 9,400 sq feet is it 100% grow, is that building used for anything else?

Shalynn - 100 % grow.

Commissioner Jankovsky - Back to legal; is this a complete application with having that information in here; was that in here?

Jean - It was in my packet.

Carey would give the applicant the opportunity to respond on the payroll question as well.

Shalynn - It's page 11 in the packet. It was from when her husband was in the hospital, they were uninsured, they had a bill over \$7,000.00, and they couldn't make adequate payments for at the time. They did take it to court and said they felt they were being taken advantage of but all of that is not really information that the board needs. It has been resolved and they are on monthly payments. This profit and loss statement is from 2009 with the original application. They were only open then for 3 months, she and her husband ran it all. One employee began in May 2010 and the other February 2010.

Commissioner Jankovsky - At this time do you have a payroll system; do you write paychecks and pay payroll taxes.

Shalynn - Yes, she runs payroll through CPA services. They don't have any bank accounts, they get a pay stub and they pay cash.

Ron Weissner - Chairman of the High Aspen Ranch Home Owners Association. With him today are two other board members Don Engle and Mimi Kissner and Mark Kissner are here in opposition of this license procedure. One of our board members will also speak; that board member made contact with the county attorney's office and some of the other offices so they could better understand the process. They are now aware of the limitations of the two items the board will discuss this morning. Most of their questions are or would be associated with the land use aspect of it. Theirs is a residential community. This property that the applicant has referred to is a residential community and so of course a major part of their concern is their families, children and grandchildren. As it relates to the information, the applicant has provided; he has been chairman for seven years and in that entire seven years their homeowner association has never received notice of this operation. They are the adjacent property, they do share a fence line and from their community the barn structure that is being referred to is visible and the home is visible. To their knowledge, none of the members has been notified and to their knowledge, none of their residents or owners has been notified. The applicant referred to getting consent of adjacent property owners and to their knowledge that hasn't happened and they would be more than happy to have the applicant prove that somebody on our side of the fence has received notification. In looking through the application, it appeared that the sales tax license and the business license for this enterprise expired December 31, 2011. Perhaps there is a newer license but that was the one that was submitted with the applications and they ask it be researched. This property has already been a public nuisance in our community. They have filed actions against the landowner regarding animal control, which has been an ongoing and recurring issue. Mr. Rambo who is the owner and the landlord has notified them that he has every intention of leaving the area in November and won't be back for two years. If he is the responsible party or the responsible landlord he has given them official notice that he has no intention of being here after November. If they look at the application submitted there is a lease but it is month to month. If the landlord is not in attendance and the tenant is month to month there is no one that is a long-term responsible party for all the many list of things that have to be complied with at the state level. They have concern over who is the responsible party. The materials their board member was researching, they would ask that she could come up and address some of the questions; but if it does go to the next level or another level which is county regulations. It is their understanding that the current county land use regulations would



not permit this if in fact it was called a new operation and to their knowledge because they have never received any notice of it but they have never received notice that it was an existing operation during the timetable that's been described.

Mimi - She is a homeowner, full time resident as well as a member of the board of the Aspen Ranch Homeowners Association. Our main concern obviously is the land use. This OPC doesn't belong in a residential neighborhood but they have questions and concerns. Is the submittal the commissioners are looking at the same as what is posted on the web?

Carey - Yes.

Mimi - They see a total absence of information as Ron mentioned about the lease and Mr. Rambo's relationship to Miss Hofert. As part of the deep dive she did into the county's regulations and the state regulations; she had a big questions that they don't have answers for. Have they had any input from the Colorado Division of Water Resources regarding running a commercial marijuana OPC with a domestic well permit? It's their understanding the well permit is the same as theirs they all have 35+ acre lots and they have distinct limits on domestic use and maximum irrigation. That is a major concern beyond the sewage disposal through a septic system; but mainly the water supply. The rest of them has to be brought forward with the land use issues because they heard Miss. Hofert's comment about the security issues and all that but she would question this warehouse building their using was it permitted at the time? Built for regulations of the county and was the purported use of it brought forth at that time? They as a community in conclusion question why someone would start a commercial marijuana grow operation in a residential subdivision with domestic well water and septic and inflict security and other issues on their neighbors.

Fred Jarman - He and Andy are looking to see if a building permit was filed for the structure that the grow is in. The question he has for Shalynn is, is she aware of the permit for that structure.

Shalynn - She is not; it was built before they moved in.

Commissioner Jankovsky - There is a number of code issue questions here that Mimi brought up but those are not pertinent to what they are looking at today. Those would be questions they would take to the building department directly and ask those questions. Is that correct? Concerning building permits, water usage those types of things.

Fred - It is and maybe a question for the county attorney's office but it's part of the local verification and the application forms that someone has to fill out for the county. He can't remember if on the form it states; are you in compliance with the local building codes.

Commissioner Jankovsky - But we haven't gotten to that local code information. We're just dealing with state requirement and if this was in place prior to the moratorium.

Carey - That's correct. The local verification application form does not request whether you're in compliance with the building code.

Commissioner Samson - Is there a reason for that?

Carey - The intention was to keep them as separate processes but beyond that they don't necessarily have to be it's just the way that it has been structured and approved.

Fred - There was a very good question raised about the water, which is something they did contemplate when writing the rules for land use.

Commissioner Jankovsky - For Mr. Weissner and Mimi; if there are land use questions they have to go back to the building department and a code officer would have to look at those. Would that be correct statement?

Fred - Yes, there could be some land use code violation issues. The challenge he thinks they have is if you as the board today verify this business was in place prior to the moratorium then ultimately there is no land use question.

Carey - It is although there is a second component that is contemplated and that is some sort of establishment that is a legal non-conforming use.

Commissioner Jankovsky - So that would come back to us?

Fred - No, that would be something his department would issue.

Commissioner Jankovsky is somewhat confused. We have in front of us an application that looks to be complete with the state. We have a lease that looks to show this was in place prior to the moratorium, so how does land use code get in? That's a whole different question. If the water can be used for commercial or residential or if there was a building permit. Those are different questions than what's in front of us. He doesn't know if they are making a decision based on that today.

Chairman Martin - Not on the land use issue, non-conforming use; no. We're trying to see if they were in business and did they have the proper authority to be in business with the lease and license issued by the Department of Revenue.

Commissioner Jankovsky - Other things come in front of us that are violations from our code enforcement people and that's a different process.

Fred - Take the building code by way of example. If in fact there was no building permit pulled for this type of use in that type of structure the board still has jurisdiction to enforce their building code regardless of the viability of a business or not. The other issues with respect to water, the Department of Water Resources has the ability to look at their own permitting system.

Commissioner Jankovsky - What about commercial use in a residential area? If they approve this at this time, that question goes away.

Fred - That's correct.

Carey - that is ultimately the relationship between what they are doing today and what the land use process would be. If they find that it was not in existence prior to the county's moratorium then that clues Fred in and says to what process it must follow in the land use side. If it was in operation it may qualify for legal non-conforming use status and that limits what analysis building and planning can do of the operation because it would be permitted as a commercial use in a residential area. If it was not in operation then it must comply with the land use regulations.

Mimi - She tried to soft pedal the question but now she will ask it in plain English. She questions yes there are land use issues but she questions the character of a person, which is part of the licensing process. You are allowed to look at the character the person requesting the license. She knows they do it for liquor licenses and other licenses. She is questioning these land use issues on the basis of the character of the person doing this. How can she trust them to maintain security and the other issues if they can't even make the basic rules of the county? These rules didn't change through their moratorium. You have certain issues that apply to a commercial business wherever they locate it. If someone comes in and tries to stuff this down all the

neighbors, she questions their character. She didn't ask those purely as land use items; she asked them in the vein.

Carey has a submission from an individual who could not be here today. She passed out information to the board. They could not be here today.

Chairman Martin - For the record, clarify all Exhibits. He asked counsel to identify the exhibit.

Carey - A statement from W. Page Breaker regarding the local verification hearing today and was received yesterday afternoon by Carey.

Commissioner Samson is wondering if this should have been brought up when they first went through proper notification. It seems to be one of the issues they brought up.

Chairman Martin - There is a photograph in the application of the posting.

Shalynn wanted to first address the sign issue. When she hung up the sign, she nailed into the back of the sign and is visible to street. When she went back this morning it was thumb tacked in; apparently someone took it off and moved it. First, she wanted to address Mr. Weissner. She appreciates the concerns and she is not familiar with the board from the Homestead Ranch. She doesn't know personally who John D. Cinder is; but he did say he was on the homeowners association board and he stated the board members were aware of Mr. Justin Rambo's business starting 2009 located at 3 Seven Oaks Road, Glenwood Springs, Colorado. She can make copies for them. Someone in the audience asked who the man was and she repeated John Cinder at 38 Loan Oak Road. The man stated he was not in their community. Larry ???? is another one of Justin's neighbors again stating he knew about the facility since 2009 and stated he has no complaints about the grow business or its current state location. As far as the public nuisance and the animal control, she doesn't see the relevance to this hearing because it is a public residence and they do have dogs, horses but that does not correlate with Green Natural Solutions OPCO at all. They are not her animals. She believes those issues should be taken up with homeowner and brought up at her hearing for local verification. Justin travels often and is planning on going this winter, he is planning on returning in the spring, staying through the summer and then returning again. They are plans; they are not set in stone. There are individuals that are aware of the grow and she apologized if they (people in audience) were unaware of it and don't approve of it. As far as Miss Kissner; the OPCO land use, when they opened in 2009, it was up to code. There were standards; there were rules as far as land use guidelines they had to follow for medical marijuana cultivation sites. As far as morally wise, she doesn't see where that has any relevance once again but it is 35-acres and a private residence on private property. If you don't like it she suggests they don't go near it. They have five large boxer dogs and suggests they keep children off the property anyway because of the dogs. Her relationship with Justin, she doesn't see where that has any relevance again; he is her employee, he is her leaseor and that's where that stands. Everything is up to code and legal with the state. Water resources is a valid concern. She thanked them for bringing it to her attention because she didn't know there was such regulations with private well. She will have to look into that and doesn't have any answers at this time. Septic system; they reuse water and it doesn't go into the septic system. They grow organically anyway. None of the grow water is entered into the septic directly. She doesn't know if Fred got the building permit but once again she didn't build the building and she doesn't know what the permit says or when it was issued. The

commercial property in residential area; once again back in 2009 this was so new there were no guidelines set. She felt and still feels they have 100% rights to grow up there legally.

Chairman Martin - Do you know if there's a homeowners association that this piece of property is in?

Shalynn - Yes, it's Homestead or High Aspen Ranch.

Chairman Martin - Do they have covenants?

Mimi - Homestead Estates and High Aspen Ranch; two neighboring homeowner associations, two neighboring subdivisions.

Chairman Martin - Do you know if there are covenants in place when she was a leasee?

Shalynn - No.

Chairman Martin - They weren't given to you or anything like that?

Shalynn - No.

Don Ingal - Is on the board of High Aspen Ranch and he is a homeowner there.

Primarily he is the one who has had problems with the nuisance dogs and he understands her part about whether it's relevant, but it is for them. It has to do with the fact if the landlord can't take of his animals. One of his dogs actually got on his property and attacked his dog and he had to be taken to the vet. The question he has if there was a notice required to start a commercial operation in a residential area and they didn't get notices how does that impact, he understands it's a land issue, but how does that impact the board's decision today on the issue in front of them?

Commissioner Jankovsky - Would have to ask legal if that was one of the requirements that homeowners within 200 feet is part of the requirements.

Carey - There were no notice requirements at the time they began operating. At that time there had not been a determination that cultivation operations were to be considered commercial operations. Our county's land use resolution did not address that at all and at that time it would not require a land use process when they began operating.

Chairman Martin - He questioned it being 35 or 39 acres etc could have been qualified as an agricultural building at one time and that's where Andy would get in reference to the building code. There are guidelines by the State of Colorado within the application, many items on a checklist that have to be done before that certification. Does the homeowners association have covenants in place that are given to all members of the subdivision?

Don - Doesn't know about homestead.

Chairman Martin - This property is in or outside of their homeowners?

Don - The property in question is outside of their homeowners. He has neighboring property.

Commissioner Jankovsky - A question to Commissioner Martin: aren't there dog laws in the county where you can only have two dogs per residence?

Chairman Martin - There is no such ordinance in place on that but there is a recommendation that one dog for property etc. had been a standard resolution on land use approval. He doesn't believe they have limited the number of dogs except for in the kennel area. If you have a kennel, you have to meet certain standards and a number of dogs have to be met. But as a homeowner and in the subdivision, that is usually a covenants issue.

Carey - That's correct.

Ron - High Aspen Ranch. In Shalynn's response to his question about Mr. Rambo, she indicated that he had notified her that he would be leaving in the fall and returning in the spring. As a result of their difficulties with Mr. Rambo, he gave them information that he would be gone for two years. The testimony she gave, to their knowledge, is not correct. Now that they better understand the marijuana aspect of this, the other key question for council would be that if in fact this was deemed a commercial enterprise regardless of whether it was called marijuana or something else and it did not have the proper building permits or the proper licenses, or proper notices or whatever is considered for a business purpose in a residential area. Then it would appear to be a legal question whether or not in fact it was a business that was operating legally. If the business was not operating legally during the timetable that the board talked about, then perhaps in fact from a legal perspective they were not operating prior to the deadlines that the board imposed. They would ask that the question be researched by council. Commissioner Jankovsky thinks that's more or less a code issue and it would potentially come back to the board through code enforcement.

Ron - The question for the license; if it was not a legally functioning business then the board's responsibility is to say yes it was or was not a legally functioning business prior to the 2010 date.

Chairman Martin - That's the razors edge they have because the rules and regulations that establish that as a commercial operation were not in affect. Also not identified as a commercial operation within Garfield County. It was a state issued license not a county issued license. There is no inspection by the county on that particular issue. That's why the ballot questions went forward; we're all in the same boat on that issue. They are still trying to sort things out; they will have to work out if it is a non-complying use. They will have to see that through a land use issue.

Commissioner Jankovsky - Is there a board member present from the Homestead Ranch Homeowners Association? There was none.

Carey - She believes the board has provided every opportunity to collect whether they have the necessary information to make their determination with regard to the OPCO at Seven Oaks Road. The will address 4501 separately. Again their job today is a narrow one in the sense they are looking only at compliance with state licensing standards and they are looking at when they began operations at this specific location. She pointed out they may deny a local verification for good cause and this was in the resolution establishing local licensing authority. Good cause would mean the applicant does not meet or has violated any of the terms, conditions, or provisions of the Colorado medical marijuana code that's the state law or any rules or regulations promulgated under that code. Those would be the state minimum licensing requirements they have been talking about this morning. Additionally it could mean that the applicant has failed to comply with any special terms and conditions that were placed on a local verification or state license. That would be more relevant to a renewal and not necessarily consideration at the outset. Finally, good cause for denial of a local verification could be that the premises had been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the establishment is located. Those are the perimeters for their decision making this morning.

Commissioner Samson - How would you answer that if you felt that was a possibility in dealing with the questions regarding water? He feels they don't have the information they need.

Commissioner Jankovsky - That might be the only question he could see that would fall under that.

Chairman Martin - You would have to have testimony either from the water officials.

Carey - The issue that has been raised is whether the use is contemplated by the existing well permit. That may be a slightly different question than water quality concerns related to use of water for a specific purpose. She is not sure that the board has heard evidence of water quality concerns today, but that is ultimately for them to judge based upon what they've heard. Public health, welfare, and safety she would not necessarily link whether there is a valid well permit.

Chairman Martin - Is it a public nuisance, has there been violations, has there been criminal activity taking place, do you have any kind of reports from law enforcement, federal or state? Has it become such an issue that the people fear for their lives or fear for their safety based upon testimony that they received?

Shalynn wanted to add on public safety; this has been in operation since 2009 and several of the neighboring are just now aware of the grow facility. She doesn't have a bunch of employees, no traffic coming up and down, and it is casino standard security systems. She personally does not believe there is any public endangerment.

Commissioner Jankovsky - When Mr. Rambo leaves does someone else stay in the house.

Shalynn - There will be a caretaker.

Chair Martin - do we know who that person will be?

Shalynn - Jeremy Blair.

Commissioner Samson - A question for legal; he feels like he is getting squeezed in a corner and he doesn't like it. The only thing for them to decide here is verification, whether or not it's up to snuff and it appears that it is. Looking down the road for land use, say there are certain violations that have been discovered; those will come before the board correct?

Carey - There are a number of ways that violations can come before them.

Commissioner Samson - And if those are substantiated and we decide something needs to be done how does it affect this or it doesn't affect this at all? This is new territory and he needs some explanation.

Carey - Any sort of violation of their existing permit, any concerns of nuisance created or endangerment of public health, wealth, safety; any of that would be relevant to consider on renewal. If the board was to issue a local verification at this time, it would only valid for a period of one year. They would see the same operation come up for review in another year and that would be the opportunity for the sheriff to weigh in if there have been any concerns from the sheriff's office. It would be an opportunity if reports had come in for violations of their state license to the medical marijuana enforcement division; those could come before this board as well in terms of those violations. On the licensing side of things, the board would see this again as a renewal. It is similar to a liquor license. On the land use side of things; if it is deemed to be a legal non-conforming use then that would prohibit any further expansion of the operation. Any attempt to do so would negate any protection of the legal non-

conforming use and they would have to shut down operations and then comply with the land use code in a permitted zone district. If there are concerns with the validity of a building permit; that could come before the board in a code enforcement venue. If there are concerns about whether there is a valid well permit for the use on the property; that is something the Division of Water Resources has jurisdiction on and they can take action independent of this board. There are a number of avenues to address the concerns raised.

Commissioner Samson - Those who have come before the board and raised concerns; even though we as the Board of County Commissioners say things are in order for verification, do they have a recourse to go before the state licensing board and bring up those concerns? Or is this the last thing the state is waiting for, and in his opinion they didn't seem to do their homework properly to make sure that these things were taken care of in the first place.

Carey - This is the last step in the process for a state license. The state has completed their investigation and determined they have complied with all state statutory requirements to receive a license. That is why we are now receiving this request for local verification. There would not be an avenue for concerned citizens to raise these same concerns with the state MMED, that is not built in as part of the states review process. If there were concerns of violations moving forward the MME does have an enforcement division and complaints can be made to the enforcement division. The same investigators that came out and investigated the operation could come out and investigate complaints. The Medical Marijuana Code is not a land use code. It is specifically structured as a business operation and licensing scheme. They leave it to the local jurisdictions to determine what to do with the local land use provisions. The state would not have considered local land use issues in their review process of the license application.

Commissioner Samson - And as we all know we got behind the eight ball; we didn't have the information or laws on the books to deal with this.

Chairman Martin - Do I have a motion to close the public hearing?

Commissioner Samson - So moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Jankovsky - Tough decisions; he has to go back to code, local regulations and make a decision. He thinks the two items they have in front of them state minimum licensing requirements and that shows that has been met and second is find that this was in operation prior to 6/21/10. They have a lease in their packet and two letters from adjacent landowners stating this operation was actually in effect in 2009.

Commissioner Jankovsky - I would make a motion that we approve local verification for an OPCO operated by Green Natural Solutions, Inc. at # 3, Seven Oaks Road, Glenwood Springs, Colorado.

## Discussion

Commissioner Samson - I'll second the motion and I agree with you. The job we have to do on those two points, as I said earlier I feel we're being pushed into a box on the federal and state level. The state level more so. But that's not the question at hand, we have to stick to what we have to do.

Chairman Martin - Burden of proof is that it was in operation prior to again 2010, verification of that and they supplied that information and there has not been any illegal activities, nuisances provided by any kind of law enforcement and jeopardizing health and safety of the public is what your basing everything on.

Commissioner Jankovsky - Yeah and I looked back at that question for good cause and I just don't see any. Although there were a number of good points brought up by adjacent homeowners, I just don't see any violation of state laws or any affects health, safety and welfare of the public and public health.

Chairman Martin - This is information that you're accepting and sending onto state for final determination of state license. That's what it amounts to, we are not issuing a license it is our approval process.

### MOTION

Commissioner  
Tom Jankovsky

### SECONDER

Commissioner  
Mike Samson

### VOTE

UNA by roll call vote

## Discussion

Chairman Martin stated they would move on to the second site in Silt Mesa. He asked legal if the same notification requirements were in place.

Carey informed him they were.

Chairman Martin swore in the speakers.

Carey - Based upon the applicants testimony and the exhibits submitted in her application; Carey believes the applicant has complied with the statutory notice requirements.

Chairman Martin accepted the notification into the record.

Shalynn provided a copy of the lease stating they opened June 1, 2010 at 4501 Silt Mesa Road. Landlord is Richard Collins. She has the continuation of the lease to show still in good current standings with Mr. Collins. This warehouse is roughly 2,200 square feet and is all enclosed. Security has been installed by High Tech Security. Checks are done yearly and the last was June 2012. Security is the same as Seven Oaks Road. She prides herself with the steps she takes to maintain the state laws. There is one entrance to the building that has the commercial deadbolt and it has the auto lock handle. There is one light on the outside of the door; it is not a motion light it has to be turned on from the inside. There are zero leakages of light. There are two different grow rooms in this facility; one a mothering room where the lights are on 24 hours a day. One window boarded up and draped over. The other rooms a garage style. Garage door has been sealed off, they have run black tarp around the entire building, and those lights are 12 hours on and 12 hours off.

Carey - Again there is only one entrance and one exit from the building and it is a secured door with security cameras?

Shalynn - Yes.



Carey - Where is this situated on the overall parcel?

Shalynn - It is a solid 200 yards back from Silt Mesa Road on a private drive and it is in the middle of the meadow.

Carey - Are there any other residents or other buildings on the property?

Shalynn - On the property; no. There is a greenhouse that was put up.

Carey - Is that a facility that she uses as Green Natural Solutions?

Shalynn - Yes, but not right now. The state doesn't have any regulations as to greenhouses. There is nothing growing in it yet and waiting for the state.

Carey - Are there any signs on the exterior of the building?

Shalynn - On the door; limited access area, licensed employees only.

Carey - Are there any advertising signs?

Shalynn - No.

Carey - Any identification of her business name?

Shalynn - No.

Carey - Does she have employees on site?

Shalynn - Permanently - No.

Carey - How many employees does she have that visits the site?

Shalynn - Two.

Carey - Are these the same two employees she uses for her other OPC?

Shalynn - Justin Rambo does not visit this one; he is license to. Jeremy Blair and Darren Hofert are the main employees.

Carey - both of them are licensed through the medical marijuana enforcement division as employees.

Shalynn - Yes.

Carey - How frequently do they visit the site?

Shalynn - Jeremy once a day; he gets there about 6:00 p.m., does the watering, caretaking of the plants, then closes, and leaves. Darren travels there about once a week to check on everything.

Carey - Does 100% of what is produced there serve her local medical marijuana center?

Shalynn - Yes.

Carey - Again where is the center located?

Shalynn - 716 Grand Avenue, Glenwood Springs.

Carey - It does not service or provide product to any other MMC's?

Shalynn - No.

Carey - Would you describe again how product is processed and transferred from that site to her MMC?

Shalynn - finished product is weighed on scale on camera, recorded on transportation manifest, signed out by whoever is transporting and goes to 716. It gets weighed again, disperse in jars or put in the safe.

Carey - Would any third party ever transport for them?

Shalynn - No.

Carey - Could you describe how they deal with the waste product?

Shalynn - They do not waste any of their products. Stems, leaves, trim everything that comes off of a plant that is not a finished product to sell in the store; they put it in large black bags and transportation manifest it to the kitchen in Denver. Create infused

products, concentrates such as hash or honey oil and transportation manifest it back to the store in Glenwood Springs.

Carey - How many times has the MMED sent out investigators?

Shalynn - Twice.

Carey - Approximately what dates?

Shalynn - First dates were late 2009. At that time, she doesn't believe the state requirements were out. January 2010 and the last time they were here was the final walk through.

Carey - Did they identify any issues on the site between the first visit and the second visit?

Shalynn - No because they didn't have regulations at that time.

Carey - The second time were there any issues that she had to remediate.

Shalynn - No.

Carey - At this time, she would rest questioning.

Chairman Martin - On notification itself was it posted properly?

Shalynn - The licensing sign was.

Chairman Martin - It remained up to a certain time?

Shalynn - Until Sunday afternoon until about 4:30 p.m.

Chairman Martin - Do you remember when you posted it?

Shalynn - Yes, July 25th 11:13 a.m.

Commissioner Jankovsky - You stated that you had a license inspector at this location in 2009. Your lease here starts June 1, 2010; you were on the property in 2009?

Shalynn - They were trying to get input to see if this location met with state requirements.

Commissioner Jankovsky - At that time they were not in operation?

Shalynn - No. They asked for the state to come and look at the place.

Chairman Martin - Does Mr. Collins have access or is in and out of the facility other than being the landlord.

Shalynn - He does not.

Commissioner Jankovsky - Would she have any electrical bills to show they have been in the facility by June 1, 2010?

Shalynn - Yes, she could dig some up they were with Xcel and still are.

Diana Erickson - lives just around the corner from this operation. She can visibly see the greenhouse on the applicant's property. About the notification, the sign was not clear, if they were going west on Silt Mesa you would go right by the sign and never see it. You had to go eastbound to see it and neighbors went a week before they even saw it. She feels like they were all taken by surprise.

Chairman Martin - How did you find out about this hearing today?

Diana - A neighbor pointed out the sign to her and they went up and read it. That was about five days ago. Noone prepared for anything, if there is anything to prepare for.

Chairman Martin - The burden of proof is on the applicant.

Diana - Most of the neighbors thought it was being hurried through.

Alice Holmes - Not up to all the legal stuff and she didn't know about the sign until Diana pointed it out to her on Wednesday. She and her husband took a ride up and saw it.

When she told people in church about it yesterday, when she went back to get the

address the sign was gone. It was about 11:30 a.m. when first seeing. You had to get right on top of it to read it.

Chairman Martin - Did you remove the sign yesterday?

Shalynn - she did after church and she was in church until noon, had lunch and then went to get the sign.

Alice - The neighbors who live right next door to this property; she didn't know anything about it and none of them received any letters saying this was going to happen. She didn't know if they were supposed to be notified.

Chairman Martin - No, the notification requirement is posting and also an advertisement in the paper. They have met the requirement. They did not have to write letters.

Alice - What scare her is; she is elderly and there are elderly where she lives. Once these younger people find out there is a marijuana-growing greenhouse by them, because it is really isolated by them, they all have 10 acres. Some kids come out at night and try to break in. Maybe break into their homes and she is scared about that.

Chairman Martin - Security issues are addressed in the licensing. We live with that every day, be in good standing with the sheriff.

Alice - One neighbor who lives next door to the property when she spoke with her yesterday she called the sheriff's department and they went out to look. The sign wasn't there of course and they said they wouldn't want a marijuana place next to their property either. She wondered if they could table this until they could get a petition up to list reasons why they don't want it there.

Chairman Martin - It will be a land use issue and a code enforcement. This is a verification to see if they have a legal right to be where they are with their lease and meet the minimum standards based upon state licensing. That is what they are dealing with today. It is frustrating for both sides of the issue. The citizens of Garfield County voted on having this in Garfield County. It would be a separate hearing with building and planning on land use. Chairman Martin asked the applicant if this was in a homeowners association and if there were covenants.

Shalynn - No, not that she is aware of.

Commissioner Jankovsky - Your water is well.

Shalynn - No, it is hauled in by Flat Iron Water from Rifle. They have a 3,000-gallon tank outside of the warehouse.

Chairman Martin - That would be potable water hauled in with a third party, under contract.

Commissioner Jankovsky - Has there been vandalism or break-ins at this particular site or called the sheriff?

Shalynn - No, they have had no issues at all at this site.

Chairman Martin - Any closing remarks.

Shalynn apologized if it was difficult for people to see the sign and didn't have adequate time for a presentation. Crime issues; been in business for over 2 years, no crime issues, no calls from the sheriffs off and have not made any calls to the sheriff.

Commissioner Jankovsky - This 4501, the number was on the sign.

Shalynn - Yes.

Alice - They have kids come and smash their mailboxes every so often when they get a little too much. Seeing the sign now who knows.

Chairman Martin - The rules have changed and now the posting is mandatory.

Chairman Martin - Do I have a motion to close the public hearing?

Commissioner Samson - So move.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Chairman Martin - We will deliberate, no public testimony unless we open the public hearing again.

Commissioner Jankovsky - I would like to postpone this and ask the applicant to come back with some additional information because of how close this date on the lease is with the county's moratorium. He would like to ask that we either have a notarized letter from Mr. Collins or an Excel Energy Bill, or a water hauler bill or something that can verify they were in operation prior to 6/21/2010. He doesn't feel at this time the one lease itself is enough information for them to move forward.

Commissioner Samson - I'll second the motion.

#### **Discussion**

Chairman Martin - Well the motion would be then if this is a request for more information we must re-open the public hearing, do a continuation of the public hearing based upon your finding and request for that information to come back. We would have to have a motion to re-open the public hearing for consideration of new information.

Commissioner Jankovsky - I would like to make a motion that we re-open the public hearing for consideration of new information.

Commissioner Samson - Second.

Commissioner Jankovsky - And that's on 4501 Silt Mesa Road.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Chairman Martin - Now we can take public information. You understand as the applicant what we're requesting you to do with that motion we have now re-opened the public hearing on your second application. There is a request by Tom for certain information.

Commissioner Jankovsky - I would like to have additional information or verification that you were there prior to the moratorium, 6/21/10. And I would like to have that in either a notarized letter from the landlord or the other thing would be bill you would have from Xcel Energy or from your water hauler. Just more verification so that we can pinpoint this that you were in existence prior to 6/21/10.

Chairman Martin - Did you build the building; no, it was built prior to you moving in. Would you have any improvements or anything like that from a contractor, any utility bills under your name is acceptable.

Commissioner Jankovsky - Or a notarized letter from the landlord stating you were in the building 6/01/10.

Chairman Martin - We'll need a date specific in reference to our continuation, Tom do you have a date specific?

Commissioner Jankovsky - In case the landlord is not available I would like to give one month's time. I would like to go at least to the first or second meeting in September.

Chairman Martin - The 4th or the 10th?

Commissioner Jankovsky - I think the 10th.

Chairman Martin - Would that be a timeline you could meet as the applicant, September 10th supplying all that information.

Shalynn - Yes.

Chairman Martin - We will continue the notification, it will not be republished. Make sure it's posted as a continued hearing on our agenda.

Carey - Normally that would not be required. Once the hearing has been properly published, properly noticed the continuation stands on its own at this hearing. But this question to you as the local verification authority will you be accepting further public comment since you did have some citizens here today who were looking for additional time when you reconvene on September 10th will you accept additional public comment.

Commissioner Jankovsky - I think that's been our policy to accept additional public comment but the hearing is really based on being here prior to the moratorium.

Chairman Martin - It is but we will take testimony simply because we have new exhibits to consider.

Drew - We'll indicate on the agenda that this was continued on September 10th from this date. No newspaper, sign, or anything like that. He had a legal question. The exact phrase or the approximate phrase is about operating prior to June 21. What's the source of the phrase and what is the actual phrase or as close as you can. He doesn't mean to send them to the resolution.

Carey - the language appears in the resolution in paragraph 6; applicants who are currently operating and optional premises cultivation operation must demonstrate to the satisfaction of the local licensing authority that the OPCO was in operation in unincorporated Garfield County prior to the county's June 21, 2010 moratorium.

Drew appreciates that. That's resolution number?

Carey - 12-52.

Drew asks this because the purpose of the continuance is to give the applicant opportunity to present evidence sufficient to you and the other commissioners about what constitutes was in operation. If he understood correctly, they are basically saying that a signed lease doesn't get you there and was in operation. What does was in operation mean and what evidence do they need to see to make a determination about whether they were or were not? He is taking the time to run through that so the applicant will know what to bring and they will know what they are looking for. Whatever they bring you either will be sufficient that the business was in operation or it was not.

Commissioner Jankovsky - They had legal use of the facility, they may not have been up and running 100% but they were using the facility before 6/21/10. The reason he is going back to this one is because we have this lease, but on the other Seven Oaks, we had the lease and two neighbors whom he felt was sufficient.

Chairman Martin - Legal control of the facility and investing in the facility for a grow operation; actively invested.

Carey - Did you vote on the continuance?  
Chairman Martin - We did not; all those in favor?  
All in Favor.

### **LUNCH - Noon**

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA: 1:00 p.m.**

### **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

#### **1. County Attorney Update - Land Use Issues: Carey Gagnon**

##### **ii. Pay-off COPS 2006 - Ann Driggers**

Ann - In 2006, Garfield issued \$9,000,685.00 in certificate of participation. These funds were used to fund the jail facility. COPS is scheduled to be paid off in 2023 and the principal outstanding is \$8.8 million, interest is \$2.1 and in 2012 the payment left is \$174,135.00. In order to pay off the COPS they would need to pass a resolution.

Ultimately, it would save \$81,263.00 in interest payments for the remainder of 2012. If they add the interest payments from COPS 2001, which they have already, paid off this year, that would be \$285,873.00 in savings for 2012. They have already budgeted those payments and they would no longer have to pay them. In the long term, they would save an additional \$1.96 million over the life of COPS that they would otherwise have to pay. Total savings is \$2,048,773.00 in future interest payments.

Chairman Martin - These have to be paid off in cash. Our goal is to get the county out of debt. The county would be out of debt for the long-term obligations, except for day-to-day operations and the budget is there.

Drew - The Garfield County building corporation is a nonprofit entity. It's function is effectively to facilitate the financing of the Garfield County jail. In this transaction, they are the county's landlord and they give back to the county a lease for use of the jail. In exchange for that, the county pays the building corporation rent. It is rent payments that flow from the county to the building corporation rent. The building corporation has assigned its rights under the trustee. Because these are rent payments, it is not debt. It is however a financial obligation. It is not a multi-year financial obligation. The county has always had the option to purchase this building at any time and not to extend its lease and that is exactly what they are doing here. They are exercising a purchase price option under this capital lease. What this does do is put them in very rare company. They contacted Colorado Counties Inc. and tried to get a rough estimate of the number of Colorado Counties that don't have either capital leases of this type or other long-term financial obligations; that's a little bit difficult to determine because of the way the budgets are cycled through and they have to consult with DOLA. He thinks they are safe in saying more than 80% of the county have either capital leases or a long-term debt. The county is earning approximately 1% on their reserves and they are paying out 4% on the certificates. This is a sound decision and they were proud to be able to present this to the board. If they approve the resolution, they will immediately

have it recorded and transmitted to the trustee before the close of business today allowing the trustee to give timely notice to their certificate holders.

Ann wanted to all talk about the source of funds. They need to look at another source potentially to keep the capital funds with a strong balance. She would ask that they might consider a transfer from another fund such as the general or the oil and gas mitigation.

Drew wanted to speak as the special assistant county attorney on this point. The oil and gas mitigation fund has certain restrictions on it with respect to some of its components. The historic Federal Mineral Lease payments that comprise the majority of that fund must be used for planning, public facilities either their maintenance or construction or public services. This is the construction of a public facility therefore they could draw, in whole or in part, on that fund.

Chairman Martin - The balance of that one is \$22 million

Ann - \$22,681.00 million.

Chairman Martin - It is not the taxpayer dollars; those are the royalties and the payments that the federal government made to the county and to the cities. He thinks they should look at the mitigation fund. He knows the general is \$6 million dollars. The mitigation fund was set up for when there are no other funds available, but he thinks it qualifies.

Commissioner Jankovsky - To Commissioner Martin; he would like them to look at the general fund. There's a larger balance there; the oil and gas mitigation fund was set-up with federal mineral leasing dollars and they have now set those aside into the federal mineral leasing district and he doesn't see them having income into that fund as they once did receiving almost \$3 million dollars a year.

Chairman Martin - But we will, we will have funds. Severance tax as well as the PILT payment tax and also the Taylor Grazing funds as well as the tax that comes from the State of Colorado for wildlife and the different items under state PILT. So they do have revenue. The Federal Mineral leasing yes you are right, but they have looked at that issue, asked the Department of Interior to make whole their PILT payments. That should return, maybe not all, but most of the Federal Mineral leasing dollars that would have gone in there as well. There is an income; not as healthy as it once was but there is an income.

Commissioner Jankovsky looks at this \$36 million dollars and yes, it does come primarily from property taxes, but he sees the savings to the taxpayer being significant. They can pay off \$8 million dollars in principal and save \$2 million dollars in interest, that's a significant amount. What is also beneficial is that the county has almost \$1 million dollars sitting in reserve funds.

Chairman Martin feel Commissioner Jankovsky has a good argument and Chairman Martin is trying to keep the general fund whole simply because they have so many other budgets depending upon the general fund. All elected officials, all the activities of employees, health insurance and on and on. He would like to hold the general fund as strong as they can because they don't know what the future will be. The rainy day fund, which is the energy mitigation fund, is very limited use on that unless everything else goes south.

Commissioner Jankovsky will concede to his number of years.

Commissioner Samson wanted to know if they could take half from each one. He felt they both made good points.

Chairman Martin - You can.

Drew wanted to make sure the record is clear. There is currently enough in the capital fund balance to cover this entire payment. What is under discussion now is instruction to staff on transfers back into that fund. The payments must come out of the capital fund but they would backfill it with the general fund of whatever combination of capital, general and oil and gas mitigation fund they the board directs them to do.

Chairman Martin - They do have the money and are just trying to decide which fund to take it out of.

Commissioner Samson - Asked if the total payment was correct effective September 7, 2012 \$8.9 etc. etc.?

Commissioner Jankovsky - No, there are some reserves that offset that.

Ann - Total of the principal and interest too.

Drew - \$8.9 is what you owe.

Commissioner Jankovsky - Pay that and get the other money back?

Drew - One of the terms of the transaction is that the county and the parties commit a certain reserve amount in case of emergency. With no emergency, paying this off the trustee applies that to the principal balance but they still owe more than they will actually write a check for. On page 3 in paragraph 4 the total pay off effective September 7, 2012 is \$8,932,872.00 and is the correct number. To that number will be applied the reserve fund of \$988,635.00. By passing the resolution, they are correctly identifying both what they owe and what will actually leave the county's funds.

Georgia - They do have that much money in cash now; it would be no stress on the county's funds to make the wire on September 5th. She thinks it is a very positive move. Finance has done their job well.

Commissioner Samson - According to the resolution, this money will come out of the capital fund.

Drew - Yes.

Commissioner Samson - did they need to have something in the resolution that the capital fund would be reimbursed 50% from the energy mitigation fund?

Drew - No, he believes passing the resolution instructs staff to pay this off and the additional instruction of replenishing the capital fund from the oil and gas mitigation fund, the general fund or whatever their motion says will be before them as a separate item.

Commissioner Samson - I move that we pass resolution exercising purchase price option under capital projects lease purchase agreement with notice and instruction to trustee authorizing the redemption of certificates of participation series 2006 and notice the Garfield County building corporation in that 50% of that be reimbursed from the oil and gas mitigation fund. Will that do it?

Discussion

Drew - If that is your intent. If he would like the other 50% to come from the general fund so that the capital fund is whole, that would be the way as the motion is crafted 50% comes out of capital and 50% out of oil and gas mitigation.

Commissioner Samson - But you wanted it general didn't you?



Commissioner Jankovsky - 50% oil and gas mitigation, 50% general fund then keep the general fund at \$12 million dollars.

Commissioner Samson - And 50% reimbursement to the capital fund from the general fund.

Commissioner Jankovsky - I second that motion. I just like to, I'm the new commissioner at the bench here and I'd just like to commend Commissioner Martin and Commissioner Samson for the job they have done in being frugal, and being fiscally wise in their use of county funds and because of that you've given us the ability to be able to do this for all the residents of Garfield County. It gives us a better county government and a stronger county so thank you for that.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

## **2. Public Meetings:**

### **a. Consideration of a resolution appointing members to vacated seats on the Advisory Committee on the Land Use Code of Garfield County - Tamra Allen**

[attachment Reso appoint new members letters resign & interest](#)

Tamra - They recently had two resignations. Larry McCown strongly suggests filling these vacancies. The three candidates they have reached out to are; Michael Gamba, Chris Manera and Mark Beckler. She explained their experiences. They are suggesting Lisa Dee to fill Loren Prescott's position.

Commissioner Jankovsky - Lisa was on the list originally and actually here when they made appointments. She has attended meetings. I would like to select Chris Manera for this because he was an original applicant as well.

Commissioner Samson - So you would like those two? Is that a motion?

Commissioner Jankovsky - I will make that a motion, yes.

Commissioner Jankovsky - I will make a motion as above selecting Lisa Dee and Chris Manera.

#### **Discussion**

Chairman Martin - My concern is that you're more than half way through the process and you're putting two new people on even though they've attended one or two meetings, three at the most. Is it going to be fair to make an informed decision without going back and slowing the process down?

Commissioner Samson - I think those two will have to do a lot of homework to get caught up but if they've expressed a desire and if they've been coming to some of the meetings, then I think they'll have a commitment there to get caught up so they can make an informed decision. And as I always say, if we have people that are willing to serve in hard positions like this, I don't mean hard in some ways but I mean hard in others. It's quite a commitment, it's a lot of homework, it's a lot of sweat equity there

and if their willing to do that and do a good job and I don't know why they wouldn't. I don't want to discourage them.

Commissioner Jankovsky - And as we know by reading code it's not fun. I saw Larry this weekend; I didn't talk to him about this. But I did ask the same question to Tamra and she just stated that Larry felt it was important to have two additional members in this group, on this committee and I would like to honor his request. All these individuals have some knowledge of our code.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**b. Consider a request for a two (2) year extension of the Preliminary Plan approval for the Sages at Aspen Glen PUD. The Board approved the 10-lot subdivision on 4.243 acres within the Aspen Glen PUD on September 19, 2011. Applicant is Gerd Zeller - Kathy Eastley**

Attachment Sages at Aspen Glen Staff memo

Kathy read a list of exhibits. She received a request from Mr. Zeller for the extension due to the current economic situation. Staff recommends the board granting the extension.

Commissioner Jankovsky thinks this would be appropriate.

Commissioner Jankovsky - I'll make a motion to approve the resolution to grant a two extension to Mr. Zeller for the 10-lot subdivision on 4.23 acres within Aspen Glen PUD and the name of that would be the Sages at Aspen Glen PUD and allow the chair to sign.

Commissioner Samson - To file a technically complete final plat application by September 19, 2014.

Commissioner Jankovsky - That is part of the motion.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**c. Request to schedule a public hearing date for Board consideration of the service plan for the proposed Cattle Creek Metropolitan District. Applicant is Carbondale Investments, LLC - Kathy Eastley**

Attachment Cattle Creek Metro District

Rocky Sheppard was present.

Kathy - This request is outside of the realm of the county's land use resolution and they are following statutory procedures on scheduling a public hearing. A public meeting is to be set to schedule the public hearing for consideration. They are required by statute

to set the public hearing date within 30 days of today. The hearing should be Sept 4th, which is Tuesday, at 1:00 p.m.

Commissioner Jankovsky - Ill make a motion that we schedule a public hearing for September 4, 2012 for the Board of County Commissioners consideration of the service plan for the proposed Cattle Creek Metropolitan District with the applicant being Carbondale Investments, LLC.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### 3. Public Hearings:

- a. Consider a request for a seven (7) unit compressor station to be located in the Rural zone district on the west side of CR 331 approximately 1.5 miles southwest of Silt. The proposed facility will be known as the Dry Hollow Compressor Station and the applicant is Antero Resources Piceance Corporation - Kathy Eastley The Applicant has requested withdrawal of this application**

Attachment Dry Hollow Compressor Withdrawal

Kathy - She did receive a request from the applicant to withdraw the application at this time.

Chairman Martin asked if she had written notice and she did. There was no action necessary.

- b. To consider a request for a Land Use Change Permit for a Limited Impact Review application for a Communication Facility on a 1,333 acre parcel located at 4289 County Road 215 (File No. LIPA 7277). The Applicant is WPX Energy Rocky Mountain, LLC - Molly Orkild-Larson**

attachment Parachute Creek Communication Facility

Phil Vaughan, Bill Hayes, Yancy Nichols and Donna Gray were present.

Phil Vaughan will answer all questions.

Carey - Notification has been accomplished and the board may proceed.

Chairman Martin - Swore in the speakers.

Molly read the exhibits into the record and gave a power point presentation.

Chairman Martin put the exhibits into the record.

Phil agrees with staff recommendations and has no further questions. He did want to note the waivers they are asking for. The FAA form they don't have a problem filing but it doesn't apply to their project. They are not required to file this form. If possible they would like to be allowed to receive the necessary building permits, which were submitted a number of weeks ago.

Carey - she wanted to note for the record; these would be a waiver from the standards in Article 7 and it must be in the motion.

Commissioner Jankovsky - Motion to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky - I'll make a motion that we approve the request for a land use change permit for an application for a communication facility on 1,333 acre parcel located at 4289 County Road 215 with the applicant being WPX Energy rocky Mountain, LLC with the eight findings and four conditions as recommended by staff and in addition to that we allow the applicant to go forward with their necessary building permits and allow the chair to sign.

Chairman Martin - So you waived the screening and the FCC and added building permits to be issued immediately.

Commissioner Jankovsky - I didn't waive condition 4; I think they've got it covered.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**c. Review and Consideration of a text amendment amending Article 5 of the Land Use Code as proposed in the document titled "Garfield County Targeted Code Improvements to Improve Efficiency and Reduce Barriers to Economic Development" - Tamra Allen, Fred Jarman**

**attachment Article 5 Text Amendment**

Carey - This is a noticed public hearing and notification was accomplished by publication, which she has proof of.

Chairman Martin swore in the speakers.

Tamra read the exhibits into the record and gave a power point presentation.

Commissioner Jankovsky had some questions just to educate him. Most of his questions are in the exemptions.

Tamra - It does refer back to state law; they wanted to provide the reference there were other options available.

Fred - For divisions of land that are greater than 35 acres; it is exempt from the county's regulations. They would simply go to the courthouse and file a legally recorded document; a deed describing those 35 acres and they would not need to go through Garfield County. When dividing those lands they have to make sure that all the resulting parcels are still greater than 35.

Carey - There are actually 10 different defined exemptions and rather than repeat them in the code the reference is built in to say there are certain types of divisions that are automatically exempt by state law. The first one is exempt from subdivision is division

of land which creates parcels of land such that the land area of each of the parcels when divided by the number of interests results in 35 acres or more per interest. The second are those created by court where its permitted; the third is which is created by lien, mortgage, deed of trust or other security instrument and then the list goes on.

Commissioner Jankovsky - On 5-5 public county road split exemption. Is that when a road is put in? They had that situation in Sweetwater; there was split of a lot and a road going through, one lot was on the other side but that was all considered one lot. They went through the subdivision process to get it split. The way he reads this maybe it should have been two lots in the first place.

Chairman Martin - The creation of that road; the parcel was created, 35 acres or greater and the road ran through but that cut the prevented use. At that point that's why it is through the process to create that lot because of that cut.

Commissioner Jankovsky - The Stevens came in front of them to create a new lot...

Chairman Martin - It was already created but this would have recognized it was created but there still has a burden of proof to say that road was causing a hardship and that continuous use wasn't allowed or safe enough to use etc. but that lot is being created. That's the way it used to be.

Fred - This is an identical provision. It's an opportunity for someone to come in who owns a larger track as the Chairman is describing that has a county road running through it. They would come to the board in that case and make a case that the road has prevented joint use over the whole tract and they have the opportunity now to create the balance as another lot. Black Diamond was another good example. This isn't seen often.

Commissioner Jankovsky is wondering why the Stephen's didn't do that through an exemption process instead of coming in front of the board.

Carey recalls is that Commissioner Jankovsky is thinking of the Froning Subdivision; there was a parcel divided into five lots one of which was divided by a road. Stephen's both front a county road.

Commissioner Jankovsky also wanted to talk about the 1973 exemption; that is if you have a parcel of land that has not been subdivided since 1973; you have a right to subdivide that. Is that correct?

Fred - Yes.

Tamara - If it's greater than 35 then they can have four parcels, less than two parcels.

Commissioner Jankovsky - In those cases would you just go file that?

Fred - It's actually an administrative process, it used to come to the board. The plat still has to be signed by the Chairman of the Board of County Commissioners. It will show up as a consent.

Chairman Martin - Only sticky point do they have adequate water to those lots.

Fred - By your signature, you are saying they do. When staff receives an application, they begin the timelines, do analysis, do referrals then the board reviews via e-mail. If there are no comments from the board, he deems it approved and then it comes to the board for signature. When they receive the e-mail they have the opportunity to call it up before the board and hear the issues.

Commissioner Jankovsky - Next is the rural land development and exemption, which is a cluster exemption?

Fred - It is.

Commissioner Jankovsky - You can do a cluster on 70-acres or more; number two says the subdivision shall be for single family dwelling use only and the density shall not exceed one lot per every 35 acres, one lot per each 100 acres plus one additional lot. You can cluster those and you have to keep 80% in open space or agriculture?

Fred - That's right.

Commissioner Jankovsky - That is an exemption.

Fred - If they want to create more than he thinks ten lots then the process is elevated and would go through more of a public process.

Tamara - She thinks he is thinking of the conservation subdivision, which that is actually the case.

Commissioner Jankovsky - On page 5-8, the only comment he has; on review, criteria number 8 and 9. Number 8 says review criteria is for agricultural lands but 9 says 80% will be open space. Wouldn't 80% also be agricultural?

Tamara - As defined in Article 16, open space does include agricultural.

Fred - That was the intent and by design. Chairman Martin was here when the original regulation was approved, he thinks in 2001. The theory was you take these larger tracts that could have been subdivided into 35-acre tracts. The thought was instead of doing that can we devise a regulation, a framework that allows them to get as many 35's as they would have normally. But, have them be much reduced lots; 2 acre lots instead of 35's. The balance of that by going through this process an applicant would gain more bonus lots by "A" going through the process, "B" the size of what they're doing and then three the amount of open space they're providing. It is an incentive regulation and you are able to achieve in many ways a much better land use pattern and still provide for an open agricultural tract. He thinks there have been four or five that have come through.

Commissioner Jankovsky - By open space it does have a conservation easement on it?

Fred doesn't believe it's required.

Commissioner Jankovsky - What's to say you do that, split it up you have ten parcels or whatever; what's to keep the person from coming back and doing it again?

Tamra - Often times you will see that as a plat or a deed restriction if people don't opt for the conservation easement.

Fred - The state law provides a very similar regulation that this was modeled from. State law talked about a 40-year term easement.

Jack Pretti is here today speaking as the chair of the governmental affairs committee for the Glenwood Springs Association of Realtors. They are not here to endorse or support any particular position on anything that has been brought forth so far. They would like to applaud their efforts and direction in going with targeted goals of their project in reducing the requirements and criteria in land use development. They will probably be back to make additional comment at the time the recommendations come forward.

They just want to support everything gone on to date.

Patrick Stooky was just here for observation.

Commissioner Jankovsky - I'll make a motion to close the public hearing.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

Commissioner Jankovsky - Now I'll make a motion that we approve a text amendment amending Article 5 of the land use code as proposed in a document titled Garfield County targeted code improvements and allow the chair to sign.

### **Discussion**

Chairman Martin - You've been very quite Mr. Samson.

Commissioner Samson - Well I had to look off of yours because of all the things I had to bring that was the one that didn't make it from Rifle this morning and I apologize.

Chairman Martin - Was mine different from yours?

Commissioner Samson - It was, mine was much simpler and yours was really wordy.

Carey - The only point of clarification I would make before you vote on your motion; something I was remiss to do last time when you revisited several articles is to establish effective date for when these would become effective. I would recommend them as included in the draft resolution that Ms. Allen has prepared, that they have an effective date of August 13th. That would be the same effective date as Article 3, 4, 7 9 and 16 that are coming back before them in resolution form next Monday.

Commissioner Jankovsky - I'd be happy to add that to my motion.

Commissioner Samson concurred.

Drew - The status of the other articles is that they are for consideration again on the 13th with that as an effective date I thought. Or has the date of the 13th been established?

Carey - It has not been established. It was recommended by council at the meeting where Commissioner Martin was absent. In the interest of allowing him to ensure that he gets his vote at that time. She believes it was Commissioner Jankovsky that recommended the matter be continued until the 13th. The proposal would be that the remainder of those articles become effective on the date of the resolution.

Drew - And this article would be treated the same way?

Carey - This article could be treated one of two ways. We could either include it in the same resolution with the others that's coming before the commissioners next week, or we do have a draft resolution that they can move forward with today but it does identify the 13th as the effective date.

Chairman Martin - Which brings up the other ones that wasn't there and this is the recommendation also of not only P&Z but also the advisory board on these articles.

Carey - For the effective date of the articles?

Chairman Martin - On the articles themselves.

Carey - No this is not advice from your advisory committee this is advice of counsel.

Chairman Martin - And so the advisory committee has not made a recommendation on these articles.

Carey - That's correct. The advisory committee has not made a recommendation on the effective date of the planning commission's board and articles.

Commissioner Samson - Not today, but as of today they have not.

Carey - Correct.

Commissioner Jankovsky - I would like to see these articles move forward. There are individuals that are kind of waiting for these articles to be approved, they can move forward on projects and so forth and I would hate to see us postpone those.

Chairman Martin - My only question is if there is an issue with some of the articles this is for clarification, the committee can make a recommendation. there's a method of text amendments that we can go through if we have a change or a recommended change wither by P&Z, ourselves or the advisory committee that process is still in effect that we can make text amendment changes is that correct Fred? Even with the recommendations the article is put into play, they are still subject to review and change. Fred - Always. The land use code you have is an amendable document for its life. That can happen any time.

Chairman Martin - I want to make sure those recommendations can be removed at any time even though we put these articles in effect.

Drew - I understand that point. I understand Commissioner Jankovsky's point as well as your administrator I would be remiss in not advocating, as I am now, for certainty. And that the two rounds of your phase I code review will be complete if you pass this resolution and if you set the effective date on August 13th, either that day as the effective date or on that day some other date. And it's very important and consistent with your directive to me with respect to streamlining the code, having the code be pro-business code and to be supportive of your economic development efforts to have this section finalized. That said I believe the spirit of your question is, is there still up and running your land use code advisory committee. Yes there is. And is there a mandate broad enough to reconsider this or any other aspect of the code; yes it is. But in saying that I want to be crystal clear how essentially this is to get this passed, get this running so those who do land use business in the county can rely on it. All of them, it's critical. I don't want to confuse one with the other.

Chairman Martin - The same discussion I had with another counselor in 2008. The same issue, the timeline and the need to get things finalized and in final form, so people could go forward. We'd struggled with that since 1973 until 2008 through amendments and adoptions and on through. It will never be final. But at least there will be a working form that we can use and they'll be some consistency. My point is if it is wrong and we act on it we still have the ability to make changes and that's what I want to make sure that we do and we don't put ourselves in a corner on all of the different issues such as the one that caused the most consideration that had to be in general conformity of the comprehensive plan. Now it's in again, not a requirement but it needs to follow those guidelines and that has taken from 2008 to 2012 to get changed, that's four years.

Again, I want to make sure that we're able to go ahead and do that, listen to our advisory committee, listen to our P&Z, listen to our staff and listen to ourselves in how this applies. Because we want to be fair to all people that do applications, not just to have a set of rules that we have to follow and we can't do that because the code says we can. We want to make sure that this code is right. That is can be used, it can be amended and it can be adjusted when necessary and that's what I'm after. Simple to use, easy to read and user friendly. Cause it isn't right now. It's very expensive to go through the process. Again back to what Tom is trying to do is to move these along so that people who have applications that know what the rules and regulations are can move forward. We're sympatric to that. But I don't want to put them in a quagmire saying you got a catch 22 now and you can't get it done. That's why I wanted the clarification, we still have the process. And if we don't like it, we need to change it. I



don't know how many times I've heard this is your code; no it's not it's a code for all people.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

## **COMMISSIONER ISSUES**

### **a. Commissioner Reports**

Commissioner Samson wanted to present the county with the bill of sale and assignment for mutton busting and roping statutes and also the appraised value, which might help with all the things we need to do. We had the dedication of that Monday and had 30 to 35 people there. Suggested pictures of the statutes be put on the website. He has been in contact with Mike Braaten who is the Government Affairs Coordinator for the City of Rifle. They are working on a project and looking for partners and so on and so forth concerning childcare. As you know RE2 school district is going to a four-day workweek. That will put a lot of pressure on the RE2 school district boundaries as to what to do with their kids on Fridays.

Chairman Martin - As well as the extended hours. Daycare isn't used to going on a 10-hour day.

Commissioner Samson - Just a heads up. Mike is forming a group trying to pull in DOLA as well as some others and get some funding. We'll probably be approached in the future.

Commissioner Jankovsky - Let me put in a plug for Sunlight Mountain Resort; they will have special programs on Fridays once they are open on Fridays. Ages 8 and up. They will have programs for younger.

Chairman Martin - Didn't hope the facility in Rifle closed.

Commissioner Samson - Point number 2; I think I made a copy concerning the statewide prison utilization study. That is a great concern because they are not sure what will happen through the department of corrections and will there be a recommendation to close the facility. He will talk with Mike and see if he wants to come before them concerning these two things. Number 3, I with Sue Daley the coordinator with CMC and Stan Jensen, President of CMC; two major things there. The first one is on September 6th that is the date of the next Northwest Oil and Gas forum. It will be at 10:00 a.m. at CMC in Rifle. As you know as County Commissioner and I forget the guy but they just put a new director for oil and gas, it used to be Tom something. Now they have a permanent one and he'll be there. The idea is CMC wants to have luncheon immediately afterwards, at noon. The purpose is to talk to the oil and gas operators about what CMC envisions in expanding their role as the educational institution in training people for oil and gas jobs. They wanted to know if we would co-host the luncheon; I don't have any problem with that. I think when you look at, didn't EnCana give like \$3 million and Williams \$1 million for the building of the CMC facility. They've got an investment there.

Chairman Martin - And the Cloud family.

Commissioner Samson - Excuse me I should have mentioned them. I think we need to do all we can to try and get our educational institution, in this case CMC, to help that industry and that industry to help them for our economy here.

Commissioner Jankovsky - I think it's not only just oil and gas energy, all forms of energy.

Commissioner Samson - I don't think we need a motion per se.

Drew - Will the luncheon be at CMC in Rifle?

Commissioner Samson - Yes.

Drew - What I would suggest is have CMC send a bill for 50% of the lunch to us and if you want that out of your discretionary fund, we can do that or economic development funds it would qualify certainly. So your arrangement is exclusively with CMC, another public entity and not on behalf of any corporation.

Commissioner Samson - Excellent. We don't need a motion for that do we?

Drew - No, it's just direction to staff. If it appears as coming out of your discretionary we'll just add that to a consent agenda as a bill.

Commissioner Samson - I think it would be a good idea for us to be at the Northwest Oil and Gas forum meeting from 10:00 a.m. to noon, to hear what's going to be said, be at the luncheon and to meet the man. It's Thursday, September 6th, 10:00 a.m. to noon and then the luncheon is at noon. I don't know if the legal requirements say we have to post that, if we do whatever. There are no decisions that are going to be made, it's just information. If it needs to be posted, post it the three of us will be there.

Carey - I do recommend posting it.

Commissioner Samson - Sue Daley also had, I thought I made a copy for each of you. She would like a letter from us that basically is supporting Colorado Mountain College in creating a partnership in science education and Chevron will be giving to Colorado Mountain College, RE2, RE16 and DeBeque school districts basically a \$1/4 of a million dollars to help them with science education. It's nothing to do with us, it's just writing a letter of support. I think we would jump on that.

Chairman Martin - Get the details to our administrator to get a letter written.

Commissioner Samson - Lastly, probably invite Nancy Cramer, she has a proposal she gave to Associated Gunmen's of Northwest Colorado; which I chair up in Kremmling was our last meeting, not Kremmling but Haden where the airport is. She is looking for matching funds; the cities as well as the county for the signs that they have made and created and so on to put up throw out Garfield County. So I'm going to invite her to come to our next Monday and give us a presentation.

## **b. Commissioner Calendars**

Commissioner Samson - Let me say hats off to everyone for now. You want to put that in the website that's fine we with me too. That the commissioners said thank you to all the employees and all the volunteers and everybody especially the FairBoard did a great job. The three of us were down there and saw different activities and so on and so forth. I believe that is the biggest crowd that I've seen for a rodeo in years. The stands were packed for the rodeo. They always are packed for the demolition derby. One other thing with the parade five out of six mayors were there. Tomorrow we have work sessions at 8, 9, and 10:00 a.m. I think as the sheriff told us there are various

night outs. I'll be going to the one at Battlement Mesa, but I will try to hit a few others. On Wednesday the 8th I'm going to attend the lunch and learn. It's going to be here and they are talking about mid-streaming. It's noon to 1:00 p.m.

Drew - If you don't mind we might notice that also just in case there are two or three of you and those are issues that may come before you at some point.

Commissioner Samson - I expect the three of us will be here about 8:00 a.m. on Thursday the 9th for the county picnic, which is 11:30 a.m. to 2:30 p.m.

Drew - It's 11:00 a.m. to 2:00 p.m.

Chairman Martin - It takes three hours to get ready at least.

Jean - It's 11:00 a.m. to 1:30 p.m.

Commissioner Jankovsky - Last year the grill didn't pull in until 9:00 a.m.

Commissioner Samson - This time we'll get it there earlier. Okay be there at 8:00 a.m. From 5:00 p.m. to 7:00 p.m., we have been asked to go to a grand open for a conservation seeding and restoration company that's at the corner of Silt Mesa Road and Miller Lane.

Commissioner Jankovsky - What was the date on that?

Commissioner Samson - That was that evening of the 9th from 5:00 p.m. to 7:00 p.m.

That's the best address I can give you, you might have to call and ask them Jean. They are dealing with re-vegetation of native plants.

Drew - Grand opening of a new business; is that what it is?

Commissioner Samson - Yes. Notice that also.

Drew - I have one notice with all that on it.

Commissioner Samson - I don't think that's necessary but if you guys do go for it. Then we have the Colorado River Fire Fescue meeting. Are you planning on attending that, I'll be there.

Drew - I'll do my best.

Commissioner Samson - Then on Friday is the Western District CCI meeting that you should notice we will be in Montrose at 10:00 a.m. Meet at the airport at 7:30 a.m.

Chairman Martin will drive his own truck.

Commissioner Samson - We're you going to go?

Drew - Yes.

Commissioner Samson - So you and Tom will meet me at the airport at 7:30 a.m. On the 13th a BOCC, on the 14th I'll probably be going to a coal conference in Craig representing AGNC. The 15th we have an FML meeting at 9:00 a.m. The 16th we've got public interviews right here in this room from 5:00 p.m. to 6:00 p.m. with the county attorney's in the boardroom. The 17th the three of us will be interviewing all day long. I had a question for you, is this correct on the 18th from 4:00 p.m. to 7:00 p.m. there's a Burning Mountain Fire Department barbeque?

Chairman Martin - The pig roast; that's a fundraiser.

Commissioner Samson - That's in Silt at the Stoney Ridge Pavilion.

Chairman Martin - That's the new facility; it's up on the hill behind the old school.

Commissioner Jankovsky - I have a letter from Moffat County they would like to have all the counties sign; they are working on sage grouse. I don't know if we need to have that on the agenda to sign that. It basically says; he read the letter.... I think it's a letter they need to sign and other counties will be signing as well. It's due ASAP.

Drew - Can we get it on for Monday?

Commissioner Jankovsky - Next Monday would be fine. Tomorrow after our meetings, I'm going to meet, for about a half hour with GCE. They're going to inform me on some of their plans they have to meet their goals. Also, GCE has been approached by Chesapeake; there are potentially some funds available for a CNG fueling station in Glenwood Springs.

Commissioner Samson - What ever happened with working with Weld County and so on to get some grants or funds?

Commissioner Jankovsky - There's been much discussion with Weld County. The Weld county funds came from the Front Range clean air initiative or whatever which we aren't a part of that. But that's where they got their funds for five stations in Weld County.

Commissioner Samson - They don't want to help us over here, the Front Range.

Commissioner Jankovsky - No, they're not interested. 1:00 p.m. tomorrow John and I are going to meet in Silt to talk about travel management in their RMP in particular roads that come off private lands and go onto BLM lands. I think that's almost a discussion where you need to look at these roads one by one and I just appreciate John going there with me because he has the historical perspective on those roads.

Chairman Martin - No decisions made, information and exchanges. There is no public action to be taken.

Drew - You're discussing policy on roads.

Commissioner Jankovsky - We are discussing with the BLM; the BLM has asked us to be there.

Drew - I would defer to the county attorney; but I think that you would need to send one.

Commissioner Jankovsky - If that's the case I would ask that John, because of your historical knowledge.

Chairman Martin - We do have some maps, we do have some issues, we also have a contract employee that may need to do some work. We're only working on one road.

Commissioner Jankovsky - From the RMP they're going to address these as administrative decisions and look at them one on one. In some cases, it may be a rancher comes off his private land and goes onto BLM for a grazing permit. But in other cases it may be that they come off private land for hunting. They are all different issues.

Chairman Martin - It is a hot topic. I know that Mesa County is going through that particular issue on administrative actions on some areas that are open for hunting licenses that cross private land; but they have to stay on the roadway, however administratively they've closed those off so they isolated some hunting areas so no one can get into them now. So that is one of the issues that is coming up on the administrative process. Also you vacate a road is one of the issues as well through the state process is different than the federal process.

Commissioner Jankovsky - I guess the other issue is public roads that go onto private land and then come back onto BLM land and that they not be gated on private land. Those are different issues.

Chairman Martin - I can be there; that is no problem.

Commissioner Jankovsky - I'm meeting at 9:00 a.m. with the BLM on their grazing group. Just trying to get some idea from them because I haven't talked to anybody on grazing in this RMP. I just want to make sure they're okay with what's happening there. There will be permit holders from Garfield and Mesa County. Tom Trumbull has been the local rancher that's been on the RAC committee looking at those issues. Garfield

County Clean Energy has a meeting at 10:00 a.m. in Rifle. I do want to be at lunch and learn as well. I think midstream kind of blew up and became an issue after EAB on Thursday. There was a comment from one of the EAB members who felt that all pipelines should be in one easement and wanted a resolution passed by EAB concerning that. I kind of went out and talked to Donna Gray about that stating that there probably needs to be some sort of education to EAB about how midstream pipelines work. Because we obviously don't permit every pipeline, in some instances we do such as the Kokopelli but most places we don't. If you start trying to put all pipelines into one easement then you end up with I-70 type of easement going through private lands and so forth. I am looking forward to listening to that at lunch and learn on Wednesday.

Chairman Martin - It could be a real hornets' nest especially if it happens to be putting federal minerals in a private crossing across the pipeline owned by a third party etc. There's all kinds of transaction fees, input fees; it is a real nightmare in reference to taxation, metering and a few other things. It's worth a discussion. In the same corridor, there's also a safety setback between pipelines. There has to be so much in safety the same as power lines. You can't put all power lines right next to each other because they do interfere with each other. There has to be a safety distance between them. Pretty soon, you've got a real couple mile wide swath of property and how that affects private property as well as public lands and the uses. It's not as simple as just putting everything in one corridor. You have to work on it but there's a lot of business action that leads up to cooperation or coordination of pipeline and the distribution and deliveries of what's in it from oil to gas to water etc.

Commissioner Jankovsky - On Thursday from 9:00 a.m. to 10:00 I do have a risk management meeting with Betsy and Drew. I am going on an oil shale tour on the 16th and be back for the reception. Bob Weedier will be here and his group has asked us to become a member; his group is called Rural County Environmental Public Lands Group. John knows Bob; make sure Mike gets a chance to meet him as well.

Chairman Martin - Mr. Samson and I met with the Division of Wildlife on the grand opening and the first of August. They went to Rifle of course, did our dedication. On the first, I met with Senator Bennet's representative former chief of staff in reference to Thompson Divide, Thompson Coalition in reference to our resolution that we had passed, reaffirmed and passed. They wanted to make sure it was accurate because there have been a lot of reports that we are back peddling on Thompson Coalition. We assured them that we are standing with our resolution as it is. We're into mediation not litigation and Senator Bennett also passed on he is not into litigation but mediation. He is going to attempt to move forward on that particular issue.

Commissioner Jankovsky - I did meet with Frosty, the Carbondale trustee on the 31st and there was a discussion about Thompson Divide. I just gave him the same information that we are trying to get the two parties to talk to one another and Frosty said he was going to try to talk to some of the decision makers with SG. We'll see where that goes.

Chairman Martin - There's a lot of discussion in reference how it's going to affect Four Mile and what have you and again that's the designation of haul route that will have to be discussed here and that has not been discussed at this present time. Also would probably have input from the City of Glenwood Springs as well. County fair, had a great

time. I had four items for staff; number 1 there has been a concern in reference to the condition and maintenance of the trail, which was a land use approval process on Aspen Glen that runs along County Road 109. It has fallen into disrepair and lots of potholes and no maintenance. They want to know if the road and bridge people are supposed to have maintained that and to rebuild it. I assured them it was the responsibility of the homeowners association at Aspen Glenn; we'll need to do some kind of review and make recommendations to the proper people.

Commissioner Jankovsky - I believe actually that is; they're on the other side of the road where that is owned by Melrose and there's 25 lots in there, and he's not sure if it is in Aspen Glen.

Chairman Martin - It's their trail and that's where they chose to put there trail. And again they didn't keep it on the golf course they moved it across the street with a maintenance agreement. I think Fred is aware of that one. We'll need to look that up to make sure we contact the right people to satisfy that maintenance issue. We also need to have an update and I know that Drew has been working with it on 108 Road in reference to our traffic calming devices up by the ranch up there; Crystal River Ranch and we should see some action on that one in reference to a contract between the property owner and this board as well as some kind of procurement action or a bid process and that's in the future I understand.

Drew - It's in the future. I can update you on that.

Chairman Martin - Anyway we'll need to do that. The other one is a request to consider assisting the Little Red Schoolhouse at Canyon Creek. This is their second request to us. They are struggling with that historic structure which was a public school house that is used for many things. As kind of a community meeting room, dance, wedding receptions and you name it takes place. They need a little help on their foundation; they're starting to lose their building. They were going to put a proposal together and sit before us to see if we have discretionary funds to assist because they were so pleased with the outcome of the Silt Historical Museum.

Drew - Who owns the Little Red schoolhouse?

Chairman Martin - I believe it a community owned building; it's a non-profit. There's a woman in charge of it who is also part of the Silt Historical Society. Then the big one which is down in Tom's neighborhood on 108 and 154 Road and Tom has heard endless calls on this particular issue. The Division of Wildlife issues a permit to rafters to go in and out of the river there and part of their agreement with us as one time was if we widened for a parking area they would make sure that whoever they are issuing permits to would have a port-a-potty or several at that site. There are no port-a-potty's this year.

Commissioner Jankovsky - There wasn't one last year either. I have heard about that. Is that a DOW boat ramp? It's private land is it not?

Chairman Martin - It's leased with a private landowner and again for our efforts they agreed to make sure there were port-a-potty's there. Apparently, we have fallen down on the issue; we'll need to look at that particular agreement in place.

Drew - What's the evidence of the agreement?

Chairman Martin - We did improvements in reference to parking area and access to County Road 154; the Division of Wildlife issues permits to outfitters to go in and out

there and the agreement with the private property owner is that they wouldn't use his private property for a bathroom facility that the port-a-potty's would be there.

Commissioner Jankovsky - That goes all the way back to Walt Stowe; Walt was on the board when that was done.

Chairman Martin - So that's 2002 or 2003.

Commissioner Samson - On the 29th of August, I think I sent an e-mail to you both, Steve Rippey 10:00 a.m. library trail dedication. I'm glad to report there is new g-money, the RAC that we found out about. There's going to be a meeting on the 19th of September but I may have a conflict with that. Hopefully we'll get some more money.

Chairman Martin - A request to the administrator is to be able to use the website and to solicit photographs of previously elected officials and I have the list. It was one of the historic projects we started with, with photographs of all the elected officials of Garfield County from 1883 to present and there are several that I do not have from the treasurer, the assessor, coroner, surveyor, sheriff, county commissioners, clerk and recorder; we need photographs. But if I was able to put that list of those we don't have photographs people using our website could submit those.

Drew - You're asking to publish a list requesting photos of those elected officials for whom we do not yet have photos.

Chairman Martin - That's correct. This one is 1887; we do have a photograph and do know that they are there.

Drew - I have a few items of a calendar nature. Commissioner Jankovsky tomorrow at 3:00 p.m. is a meeting of the investment advisory board in the treasurer's office. We mentioned it earlier this morning, August 23rd is your combined work session with Parachute Town Council from 6:00 p.m. to 7:00 p.m. and then from 7:00 p.m. to 8:30 p.m. a town hall. The meeting will be held at the Battlement Mesa Activity Center, 398 Arroyo Drive and Renelle did get ads published in the papers down there. At

Commissioner Samson's suggestion, we're going to have Jeff Nelson present an update on the west Parachute interchange. The last item I have that has to do with calendars is you had either been contracted by the Delta County Board of Commissioners requesting or you had offered to them, or both, a site visit of certain oil and gas activities including those that are, that coexist with the businesses. Like the organic farm, and there's a request from your oil and gas liaison to pick days when all three of you could be available. I think we're looking at half days. I don't know if you could consult your calendars and give everybody enough time to get this organized. So I think you're looking to September or maybe even early October.

Commissioner Jankovsky - We have an application in front of us, I think it would be very difficult for us to do that for that part of that tour.

Drew - When is the hearing date for that?

Commissioner Jankovsky - Sometime in September.

Carey - I would have to confirm the date through building and planning. There are going to be a handful of operators that would have this new type of conflict with planning applications. I think we could probably work with the oil and gas liaison on a presentation of a general manner but the coexistence if you may, will be timed based on the pending applications.

Commissioner Jankovsky - I had to not go to a Roaring Fork Food Council meeting because that was a discussion last Monday.

Drew - The other alternative would be to allow your staff to host the Delta Commissioners. We can work a date convenient to them.

Chairman Martin - As long as we follow the policies and not have them not include the commissioners on that particular issue. That could be accomplished.

Drew - Done.

Chairman Martin - But the commissioners attempting to give information maybe you as exparte communications etc.

Commissioner Samson - I had on the 7th it said 11:30 ballot.

Jean - That's for the election, that's the lot drawing if they can be there. We will draw chips.

Commissioner Samson - When is it that we were going to discuss the open land ballot question?

Drew - It's coming up a week from today.

Commissioner Samson - So that was the 14th?

Drew - 13th on your regular agenda.

**c. Approval of Minutes**

**d. Commissioner Agenda Items**

**[ADJOURNMENT](#)**

**SPECIAL WORK SESSION**

- a. 8:00 a.m. Grand Avenue Bridge Project Update - Terri Newland**

**[Attachment Grand Avenue Update](#)**

- b. 9:00 a.m. CCOERA Presentation - Jake Kuijper**

- c. 10:00 a.m. Mesa Vista Assisted Living Residence in Battlement Mesa and the USDA  
Rural Development financing issues - Teri Whelan, Senior Housing Options**

**This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. If special accommodations are necessary per ADA, please contact 945-5004 prior to the meeting.**

**Prepared by: Jena Thompson**

**August 17, 2012  
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**



## ROLL CALL - 8:00 a.m.

## PLEDGE OF ALLEGIANCE

## INVOCATION

1. Upon the affirmative vote of two-thirds of the commissioners, the Board will adjourn to executive session pursuant to C.R.S. §§ 24-6-402(3.5), 4(e), and 4(f)(I) to conduct interviews with the final candidates for the position of County Attorney, and to provide instructions to negotiators regarding the same.

Chairman Martin said we have a request for an executive session.

Carey stated the CRS statute allowing the Board to go into an executive session.

Phil McKenney was present and Carey stated he was here in case the Board wanted to give him instructions to negotiate.

Drew simply wanted to let you know that your direction to administration yesterday was executed a panel consisting of the acting county attorney Carey Cagnon and I. We met individually with all five candidates. It was successful; the elected officials gave their input directly to Mr. McKenney after noticed reception attended by the Commissioners, the majority of our elected officials and staff from the county attorney's office and your administrative staff. All of the feedback has made it to Mr. McKenney and he will advise you at the appropriate time. It was a pleasure yesterday, there were 5 very engaging attorney's all very committed and we think you're going to enjoy today.

Chairman Martin said he would take a motion for executive session.

Commissioner Samson - So moved.

### MOTION

Commissioner  
Samson

### SECONDER

Commissioner  
Jankovsky

### VOTE

UNA by roll call vote

## POSSIBLE PUBLIC ACTION

Chairman Martin stated no decision would be made. We will come out of executive session and go from there.

Drew stated we are going to do the same thing we did with the County Manager interviews and work out of this room today. Then the meeting will conclude at the end of the day.

Chairman Martin noted the first interview starts at 9:00 a.m. He asked Phil if he was going to join the Commissioners in the executive session. Phil will be there to start as well as Jean and we will record the record but we have just the three Commissioners and the applicant for the interview.

Chairman Martin said we have returned and we are going to continue the executive session until Monday, August 20 at 1:00 p.m. based upon the direction and request we have given our negotiator Phil McKenney. At that time, we will reconsider to come out of executive session or continue that at 1:00 p.m.

## **ADJOURNMENT**

### **August 20, 2012 PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

## **ROLL CALL - 8:00 a.m.**

## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

## **PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA - 8:05 a.m.**

## **REGULAR WORK SESSION:**

### **1. County Clerk & Recorder: Jean Alberico**

Jean said since the Commissioners have notified me that the County will be placing an issue on the November ballot, there is a requirement that all parties participate in the election and sign an IGA. This is the agreement and then the other thing needed is to appoint someone to be the BOCC's designated election official to work directly with me. She suggested either that person be the county manager or someone from the county attorney's office.

[Attachment 2012 Coordinated Election Letter of Agreement BOCC and Clerk w.attachments](#)

Commissioner Jankovsky - I will make a motion that we approve the IGA with the Garfield County Clerk regarding the County Ballot Question for the General Election November 6, 2012 and that we assign Andrew Gorgey as our election official and allow the chair to sign.

### **Discussion**

Drew had a question, the Tabor language requirements are due towards the end of September, the pro and con statements and he may need some guidance as to who is drafting those.

Commissioner Jankovsky said he would like to contact Fred Kuersten for the opposition. Jean said there's a timeframe that the pros and cons need to be submitted to me and if you decide it's the Garfield Legacy Project and organization then they are tasked with summarizing the pros and cons. It's a limited amount of words, its 500 words for pro and

con. Drew is talking about is that the Board would edit or someone would edit it as she needs this by September 25.

Commissioner Samson said if understands correctly it would be under the guise of the County Commissioners to edit and finalize what was said in that statement, pro and con.

Jean said that's for the Board to determine, is it your question or is this the Garfield Legacy Project's question and are they tasked with doing that and you review it before they submit it.

Commissioner Jankovsky stated it was the Garfield Legacy Project.

Drew said they would do that side of the issue. I just understood Commissioner Jankovsky to have named at least one person to draft an opposition statement and you can have anyone who wants to say anything about it. We can sensitize it to meet the statutory requirement.

Jean said in most of these situations, when a special district or someone is having a Tabor question on the Ballot there is usually some type of information or notice put out in the media of what the deadlines are and how they can submit either support for or against the question as well as the process for submitting that information.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

## **2. 8th amendment to the 2012 Approved Budget - Bob Prendergast**

### **Attachment Eighth Supplement 2012 Budget**

Bob Prendergast submitted the 8th supplemental in the absence of Ann Driggers. Carey reviewed the published notice on August 16 and this met the requirement. The Commissioners could proceed.

Bob fully explained Exhibit A, the changes in revenues and expenses.

Commissioner Jankovsky - I will make a motion we close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky - I will make a motion that we approve the 8th amendment to the 2012 and the 8th amendment to the appropriate of funds and allow the chair to sign. Chairman Martin said this is also a very exciting time, I know the transfer of funds is large but it is paying off the COPS, it's a huge issue and step in getting those funds to be transferred. At the completion of it, the county will be debt free.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote

**3. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**

- a. Approve Bills
- b. Changes to Prior Warrant List
- c. Ratification of Chair's signature on Right-of-Way Grant with BLM re: LOVA Bike/Pedestrian Path

[Attachment BLM Right-of-Way Grant - LOVA Bike-Pedestrian Trail](#)

- d. Ratification of Chair's signature on 2012 Abstract of Assessment
- e. Authorize Chairman to sign subaward of Better Buildings grant funds to Garfield Clean Energy Collaborative and the related assignments, as approved by the BOCC on August 13, 2012

[Attachment 2012.8.20 CHFA Assignment to GCE](#)

[Attachment 2012.8.20 DOE Subaward to GCE](#)

Commissioner Samson - I would move that we approve the consent agenda items a - e as presented and authorize the Chair to sign those that need to be signed.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**4. County Manager Update: Andrew Gorgey**

Drew said the County Manager agenda today, it's the 3rd Monday so we handle the health and human services agenda items. The Human Services Commission is listed here but I'm not aware of any business before the Board this morning from that body.

**a. Human Services Commission:**

Drew is not aware of anything for this Commission.

**b. Board of Human Services:**

**i. EFT/EBT Disbursements**

Mary Baydarian submitted the EFT/EBT disbursements for July 2012. Our client provider disbursements for allocated programs total \$248,831.62; client benefits for food assistance total \$694,085.71 bring the total to EFT/EBT disbursements for July to \$943,317.33.

Commissioner Jankovsky commented there is an increase in this month's food stamps. Mary said she leveled off and we're seeing a dramatic increase activity in the first part of August.

Commissioner Jankovsky said this is when we should see a drop off because it's when the jobs are available.

Commissioner Samson - I would move we approve the disbursements for allocated programs totaling \$943,317.33 and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**ii. Consideration and signature approval on the Northwest Colorado Area on Aging Grant Award for Adult Resources for Care & Help**

Mary Baydarian submitted the grant award for adult resources for care and help requesting approval and signature of the Board. This represents a grant award of \$97,570.00 for an increase of \$2,056.00 from the August 2011 NOGA. She informed the Board this was formerly the Senior Equipment and Caregiver Support grant. The addendum is more accurate and reflects the services provided. Adult Resources for Care and Help (ARCH) was approved in May 21, 2012.

Commissioner Jankovsky - I will make a motion that we approve the Northwest Colorado Area Agency Area on Aging Grand award for Adult Resources for Care and Help in the amount of \$97,570.00 and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**iii. Consideration and signature approval on the Northwest Colorado Area on Aging Grant Award for Congregate Nutrition Services**

Mary explained this is for a grant award for the Congregate Nutrition Services for \$128,433.00 representing an increase of \$4,936.00 from August 11 NOGA. She requested approval of the Board.

Commissioner Samson - I move that we approve the request and authorize the chair to sign the approval of the Northwest Colorado Area on Aging Grant Award for Congregate Nutrition Services.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**iv. Consideration and signature approval on the Purchase Services Agreement between the BOCC & TTP, Inc.**

Mary explained this is a Purchase of Services Agreement with TPP, in an amount not to exceed \$96,000.00 due to the growing workload by utilizing temporary employment services with TPP. The anticipated need for 2013 is projected by the current use and trends. This is one of the ways we've been able to stay in compliance and in order to meet the needs of our clients we need to enter into temporary employment. The State has awarded us \$140,000.00 in food assistance for maintaining the high level of compliance and a lot of the payments for the temporary employees come out of that funding. We decided it would best to enter into a contract with TPP.

Commissioner Jankovsky comments this is a good idea as he sees those bills come through on the warrant and vouchers that we review and they are substantial. This is primarily for food stamps.

Mary said yes for food stamps and we've also used them for processing LEAP applications.

Commissioner Jankovsky - I will make a motion that we approve the purchase of services agreement between the BOCC and TTP, Inc in an amount not to exceed \$96,000 and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**v. Consideration and approval of the Purchase of Services Agreement between the BOCC and Discover Goodwill of Southern and Western Colorado**

Mary reported this is an agreement under \$25,000 but this is a change in how to do business so she wanted the Board to review the agreement. Discover Goodwill of Southern and Western Colorado has been processing all the LEAP applications in El Paso County for the past 16-years. It is a change in how we do business so she wanted the Board to review the agreement. The contract for Discover Goodwill is only the amount received for the administration of the LEAP application program. They can do this because of the staff fine-tuning to get the applications out. It's a savings to them and financially Mary was very concerned about the customer's experience of the LEAP programs and sought feedback from other counties who confirmed Goodwill did a great job. We will keep the outreach portion for the applications.

Commissioner Jankovsky said Mary we'll still be the front lines and tell them what the program is and they need to apply, then once the application is filled out you will email or fax it to Discover Goodwill and they will take the rest of the application through the process.

Mary said if the customer needs additional information, Goodwill would mail out the applications with a return envelope that goes to Colorado Springs. Many of our people have been on low-income assistance energy program and are used to just mailing in the application.

Commissioner Samson - I would move that we approve the agreement between BOCC and Discover Goodwill of Southern and Western Colorado for an amount not to exceed \$24,702.21 for the administration of the LEAP allocation and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

#### vi. Program Updates

Mary said under program updates she wanted to point out we did very well again in state closeout for the fiscal year 2012 and we were able to stay within the allocated amount for all of our allocated programs except for County Administration. We closed out with an allocated cap of \$509,893.29 in needed services. A portion of that money has been set aside for the childcare improvement, which lessens the amount the Board voted to approve for the quality improvement program.

Commissioner Jankovsky asked Mary why we haven't seen an increase in the first of August and asked if Mary had any idea why. Is it due to more people losing their unemployment and coming off long-term employment.

Mary said that's definitely a factor and had submitted a report in June and July. They were close to 500,000 residents in Garfield County to hit the wall on their unemployment benefits and we're seeing a number of those folks. We're receiving information from sources that families and neighbors are moving into together as foreclosures increase and trying to make things work. August sometimes can be higher because kids go back to school but that also tells you that families are tending to stay. The caseload may go up due to a change in the economy.

Commissioner Jankovsky said we're also seeing more cases in out of home placements then we did in 2011.

Mary agreed and it's unfortunate but not unexpected with the long-term nature of this recession.

Chairman Martin said this is due to multi-generalization households tighter and closer, it's a tough situation.

Commissioner Jankovsky said stress, alcohol and drug abuse has increased through the stress of the economy not being able to get a job and not having enough income to get by.

#### Attachment DHS Packet 1



c. Board of Health: Mary Meisner

i. CDPHE Colorado Access Contract for BOCC Review and Consideration

Mary Meisner reported the contract with CDPHE is around Colorado Access and this contract on the implementation of the contract will allow us to serve those families that have been transitioned. We currently have a contract with Rocky Mountain Health Care plans to build for children who are on CHC plus and these children are covered by the states CHC and provided Colorado Access. For a certain period usually up to 90-days before the transfer to Rocky Mountain Health Care Plans. We have a transitional period. This contract allows us to help families during this transition.

Commissioner Jankovsky said are there financial obligation in this contract, I had a tough time reading this contract.

Mary said it is an interesting contract, again it's to cover that transitional period; it was approved by your legal department.

Carey confirmed that assistant county attorney Katherine Johnson did review the contract and had no issues with it. The one thing she noted the date on the contract is in the past and understands the reason for that is because we didn't have a medical officer but now that we do have Dr. Knaus we can move forward with this contract.

Commissioner Jankovsky wanted to know the expense to the county in signing this contract. There is an administrative fee; we ask for \$10 for the vaccination.

Mary said that is just to cover our administrative expense. The entire immunization program is in transition at the State Health Department and in January we'll be moving to a new system and it helps us align with the new system. We will be required to buy our vaccine. We will be able to cover children who have no insurance at this point with our VFC vaccine but not use it for the families who have insurance but have high deductibles because of the change in January where all children should be covered by their insurance plans for those vaccines. We will have to budget in 2013 for some vaccine. We want to just charge for the administrative fee and look at what we need to cover the cost of that vaccination. A great deal of this has to do with health care reform and changes coming from the federal level. We plan to have a presentation to the Board in September or October around health care reform, the changes to be occurring in both public health and health and human services and Mary Baydarian and I are working on a presentation to bring forward.

Commissioner Jankovsky - I will make a motion that we approve the CDPHE Colorado Access contract between the Board of County Commissioners and the State of Colorado.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote



**ii. Aspen to Parachute Dental Health Alliance Annual Mid-Year Report**

Mary explained and introduced Kelly Keiffer and let her tell you about Colorado Health Alliance. This is an alliance you've asked for an update and we try to do it once a year. The Board has provided funding to help with this. Kelly submitted a Power Point explaining the program.

**d. Public Meetings:**

**i. Request for 2013 funding for the Roaring Fork Conservancy - Rick Lofaro**

**Attachment Roaring Fork Conservancy**

Rick Lofaro was not present at this agenda time, so Drew stated we would take this up later today.

**ii. Sopris Barracudas Swim Team funding request - Caylah Newton**

**Attachment SoprisBarracudas**

Chairman Martin requested the young children give their names. Caylea, Shay, Thane and Adeline are all on the swim team.

Caylea submitted a request for the Sopris Barracudas Swim Team for \$2500 and explained the program saying they train at the Glenwood Community Center.

Commissioner Jankovsky noted that last year we gave them \$2000.

Chairman Martin said, this year they are asking for \$2500.

Commissioner Jankovsky - I will make a motion that we sponsor the title level for the Sopris Barracudas Swim Team and wish them well in their competitions.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**iv. Consideration/authorization for Chair to sign FAA Certificate of Title re: Billmeyer Avigation Easement**

Carey has information on these two items. This is a continuation of what you're seeing as far as clean up regarding various parcels that are part of the runway realignment project. The first one is parcel no. 16 is a fee interest held by the county, it was a fee interest we acquired through litigated condemnation.

Brian said this is just the normal process of cleaning this up after it's already been done to make the paper work and get a copy to the FAA.

Commissioner Jankovsky asked Brian what this did. We condemned some land.

Brian said this is where the new road that goes through Rifle Continental Property.

Chairman Martin - There was a dispute on the gravel and the resource was in the particular area that went through negotiations. A fair settlement was reached. We now own the property and we are asking for a navigational easement over the property.

The next on is for parcel number 20. This one requires additional information, this is for an Avigation easement only this is not a fee interest ownership in the property. The avigation easement was negotiated and paid for in 2010. There was a subordination by the mortgage holders so despite an attempt by the Billmeyers to hold onto the property. It was foreclosed upon; however, the avigation easement did pass with the deeds and most recently with the 2012 special warranty deed conveying the land to the National Mortgage Association, which is Fannie May but the land is permanently encumbered by the Board's avigation easement no matter who owns it.

Brian explained the FAA mandated this avigation easement occurred because when we realigned the runway, the center of the flight path went right over this property and house. The object free area is like 3 feet over his tallest tree. The FAA wouldn't allow anything to penetrate that so we wouldn't allow them to grow trees or put towers and because of the reduction in the use of the property the FAA stepped in and said we need to pay for loss value of the property and we had it assessed and we all agreed upon it in 2010. Then the ownership has changed and this is just a clarification.

[Attachment Billmeyer FAA Certificate of Title](#)

Commissioner Jankovsky - I will make a motion we acceptance the FAA Grant Offer for the Airport Master Plan and authorize the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

[iii. Consideration/authorization for Chair to sign FAA Certificate of Title re: Continental Rifle Avigation Easement](#)

[Attachment Continental Rifle FAA Certificate of Title](#)

Drew Commented that item iii and iv are very similar and the director and county attorney are here.

Commissioner Jankovsky - I will make a motion that we authorize the chair to sign the FAA certificate of title re Continental Rife Avigation Easement and allow the chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

[v. Acceptance of FAA Grant Offer for the Airport Master Plan - Brian Condie](#)

### Attachment FAA Grant

Brain stated we started this process for the FAA grant earlier in the year when we went out to look at various consultant companies; we selected JAVIATION to proceed and we're still in the middle of that following all the rules and regulations and procedures to secure a consultant for the Airport Master Plan. We still have a few things to do but we're almost there. We were scheduled to do the grant last week and not able to get it in time so we postponed it until today.

#### vi. Final approval of JAVIATION as the airport consultant for the Airport Master Plan - Brian Condie

The next one was the JAVIATION Grant but we're still working on that and it will be September 4 before the Board.

Brian called attention to the timeframe on this since we're a week behind, it's due on Tuesday. Brian explained the order of signing.

On the information sheet, we did have an independent fee estimate done on the scope of work and JAVIATION fees. The independent fee estimate came in just over what JAVIATION came up with being \$356,444.00. JAVIATION fee was \$338,888 and Brian said his budget is \$330,000. This makes the budget \$8,764.00 short. The FAA and state grants are written on the \$338,000 portion of it but in talking with JAVIATION, we're going to rearrange the scope and get it down to the \$330,116 for the final price for the Airport Master Plan. That will be in front of the Board next week. Before we can get to the contract we need the approval of the grant this week, he will be back and clean up the contract with JAVIATION next week.

Commissioner Samson asked for clarification on which grant Brian was referred.

Brian stated it was the FAA grant for \$151,000.

Commissioner Jankovsky said there's a state grant as well.

Brian said the state grant has been approved.

Commissioner Samson said if reading this correctly we're getting \$330,000 plus the amount of work done and our cost will be about \$25,000 or \$15,000.

Brian said our cost is \$15,000. He doesn't have the final number but our final cost will be no more than \$25,550. The grant offer was written on that \$338,000 so when he reduces the state and federal grant portion our number will come down. The least we will pay is \$15,000 and the most is \$25,550. There is a \$10,000 range until we can come up with the amended JAVIATION fee scope of work. Brian is requesting we accept the grant up to \$151,781 and it may be reduced by \$700 next week with a new fee from JAVIATION.

Commissioner Jankovsky - I will make a motion that we accept the FAA grant offer for the Airport Master Plan and up to \$151,781 and allow the chair to sign.

MOTION

Commissioner

SECONDER

Commissioner

VOTE

UNA by roll call vote

Tom Jankovsky Mike Samson

**4di - Request for 2013 funding for the Roaring Fork Conservancy - Rick Lofaro**

Rick Lofaro, executive director of the Roaring Fork Conservancy and Heather Tatarsal are here to make a request for funding and it is a similar request to what we received both from Pitkin and from the City of Aspen. It's the same amount of funding we are requesting from all of the counties in essence for the same level of services and types of services. Rick provided Power Point and a report explaining the funding our education and outreach program, which are both school based and community based and continue without water quality program, a regular monitoring of our sites. We are focusing on impaired streams focusing on the 303d list. His request is for \$6,000 to support for 2013 to continue education programs and water quality monitoring. He gave examples of the programs.

Commissioner Jankovsky commented on his son's experience who was part of a water quality class for high school students and defended the oil and gas industry stating he is still being criticized for not taking part in a questionnaire issued by the conservancy and used in a 2010 voter's guide.

**vii. Recommendation to award a contract to SGM, Inc. to complete the Engineering and Design for County Road 300 Realignment at Una Bridge - Jamaica Watts**

Jamaica Watts and Jeff Nelson here to ask the Board approval to award a contract in an amount not to exceed \$246,710 to SGM for the engineering and design of CR 300 realignment at Una Bridge.

Commissioner Jankovsky - I will make a motion that we approve the award of a contract to SGM Inc in the amount not to exceed \$246,710 for the engineering and design of CR 300 and allow the Chair to sign.

Chairman Martin stated it is within the budget in the 2012 budget.

Commissioner Samson stated this includes a 4-lane road bridge across there too, correct.

Chairman Martin said no it does not; however, it goes with you new intersection.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Drew stated to the Commissioner that we have talked about the bridge that in the Commissioner comments portion of the meeting but your staff has recommending that be the project that we pursue through the Energy Impact Grant through DOLA, if you have a different project and would like to see a choice of projects let us know. You've had that on the list for so long and there are other improvements including the West Parachute Interchange that it is logical to pursue this as the final piece of the puzzle and together with this contract award, it even strengthens your application. My

understanding from DOLA is similar to the goals of the FMLD that you created trying to deploy the capital immediately and see immediate results. This is our best recommendation to you and any feedback while Jeff is here we would appreciate it. Commissioner Samson doesn't know if you need a motion but I think we should direct staff to go forward with this.

Commissioner Jankovsky didn't think there was a better location in the State of Colorado for the impact grant. The amount of industry using the Una Bridge that affects it.

Chairman Martin said there is one other consideration and happens to be the escape route from Battlement Mesa on CR300 which is west and north. The other consideration for the very near future is when we look at the main intersection at Parachute needs a new bridge for Battlement Mesa. That's one of the requirements in the PUD approval process in the 1980's that had a trigger to talk about a new bridge and get it done based on population and use. If we see a continued increase, it has to be part of the conversation.

Drew agrees that we don't need a motion but this is direction to your staff to pursue the Una Bridge Project as our DOLA grant through their energy impact grant program for this year. At your meeting on August 23 in Battlement Mesa, Jeff has lined someone from CDOT.

Jeff stated they have declined but he will get updated as he does every week and bring that information to the Battlement Mesa meeting.

Drew said the Town Council is aware of this and we'll get the agenda out and make sure it's posted.

#### **4d viii - Community Wildfire Protection Plan - Andrew Gorgey**

Drew wanted to update the Commissioners on the status of this and believe this will be before you for consideration on October 1, the statutes require a 30-day public comment period, and this has been under review by the county attorney's office reviewing the public law and the two state statutes that apply. It appears to be fully compliant and we would like to have this to your emergency manager no later than the end of the week. Drew asked Commissioner Jankovsky if this is the Healthy Forest Restoration Act, the new proposed legislation was the subject of your congressional testimony recently.

Commissioner Jankovsky confirmed that to be correct. As he understands that was combined with the Congressman from Arizona, he combined his bill with the Scott Tipton Bill and that has gone out of the subcommittee and headed toward the full house. It is moving forward.

Drew said the statute that governs the adoption of this is right after the statutes to go with general county powers so this is a specific police power to you and it effectively says that you can make your Community Wildfire Protection Plan as simple or as complex as you want. You've hired an effective consultant, it is a very comprehensive document, there's been a lot of interaction with you community partners and I think you'll be pleased with the final result. This will be posted on the sheriff's section of the website, Emergency Management and on our website for review and we'll let you know when this happens.

Commissioner Jankovsky hopes there is discussion on mitigation between the urban and the wildland interface and the importance of it affecting the urban areas homes that are next to or in the forest.

Drew said there's a chapter on it. It's the heart and soul of the urban interface as well as the defensible space around homes and housing developments.

**4d**    **- Review and Authorize the chair to sign a letter to the BLM in regards to**  
**ix**      **the Working Draft Proposed Resource Management Plan - Tom Jankovsky**  
            **and Tamra Allen**

Tamra gave a quick update on the this plan, we have been working and reviewing the plan for several months working with Commissioner Jankovsky in reviewing currently the working draft. This is the draft issued before the final draft of that plan. We have gone through a preliminary review and now we're trying to bottom up the plan so it's in the final form and issue a record of decision to go with it. The working draft has been reviewed several times through a variety of cooperating agency meetings and there are a number of concerns listed in the letter that staff has reviewed and Commissioner Jankovsky has suggested we continue to ask the BLM to either reiterate, focus or amend the final draft to reflect some of the issues and concerns in that letter. This is submitted to the Board for review and comments in regards to the working draft. Commissioner Jankovsky asked if Chairman Martin has looked at the Travel Management part of this. He thanked Tamra for crafting this and Fred to sit in all these meetings and also state the BLM has been receptive to our comments, have listened to us, changed things as we've gone along and different from other meetings with the BLM where it's been more authoritarian.

Chairman Martin had the assignment to talk to Mr. Bennett of BLM in the Colorado River Valley Field office in Silt in reference to the roads being affected by his Travel Management Plan and they have looked at putting everything in the administrative review until designations can be done. It's a timeline they are very strict on and they are willing to sit down with us and look for some legal help and a contract employee in reference to road researcher and this affects hundreds of roads, BLM roads and access to public lands, etc. He has each section the BLM has identified as a need for review and they wanted one designation for all of these roads and the answer is no, that doesn't cut it as they are cutting off access to public lands even though they go across private property, some have to be roads that are administrative in nature in reference to an oil and gas development, across private lands to public lands. There is still an argument if that's a public road or not. Once established under the Mining Act are we still going under that or not. Each road needs to be looked at and it will take time. The Travel Management Plan is under review and they are willing to talk about each one but he needs assistance. This would be an extension or an increase in scope in reference to our road reviewer and it is something to be discussed at the staff level and brought forth.

Tamra said this is a huge project and in general as we look at the RMP specifically we tried to capture in the comments in this letter about looking specifically to accesses that are public in nature though they are initiated on private property, how those are managed through the Resource Management Plan and as you indicated requesting the

BLM looks at that through a case-by-case basis instead of giving them a blanket designation.

Chairman Martin referred to the newspaper for an interesting announcement that the federal government has set aside 50,000 acres for Colorado and endangered flowers, which happens to be the Bearded Tongue, which is an oil shale area but it doesn't grow on 50,000 acres. We are trying to see how many actual acres are identified because if they do 50,000 acres for the Bearded Tongue it takes is so much habitat that it oversteps what is the protection.

Commissioner Jankovsky said that was the Logan ACE and it was 7,000 acres in the Logan ACE.

Chairman Martin said they identified there are less than 4,200 plants growing and it's within that particular area not the 50,000 acres the headlines say. Is a less acreage and wanted to make sure we knew.

Commissioner Jankovsky said the 50,000 acres are in Mesa County and in Pagosa Springs.

Tamra said the RMP does indicate the Mt. Logan area is an ECEC, which is an area of critical habitat and a section of the RMP doesn't actually affect any leases that currently exist. That would be mostly a non-issue for Garfield County.

Chairman Martin said yes and no but in the DeBeque area of the 50,000 acres looks like 26,000 acres are for that plan in Mesa County alone. It is getting to be such a large area for 4,000 plants, it only grows in disturbed spent shale, it is a scientific issue, and that whole area doesn't have spent shale. Other scientific data gathered is under discussed.

Commissioner Jankovsky noted a presentation here by the State of Colorado, OXY was here for that presentation and in the OXY land because of the benefactories have looked after this, and the OXY land was not included in the private lands set aside for wildlife because of their continued working with the state. They have probably done more than the federal government. He would like to see us sign this letter as long as the Travel Management part is okay. This is due to the BLM and is the second letter. We did our original scoping and sent one letter prior, this will be the final letter after our final meeting with them on August 2, this will go back to their team, and they will come up with a final recommendation. There will be one more time to comment after that Record of Decision. With this BLM has taken into consideration the number of potential wells in Garfield County on public lands and have set out ACEC's and special recreational areas etc. There's been a lot of discussion on our part and from other counties and we think we've made some impact.

Commissioner Jankovsky - I would like to make a motion that we approve these recommendations for the BLM for their Resource Management Plan and allow the all three commissioners to sign.

Commissioner Samson seconded and said he would like to publically thank the BLM for working with us on this and being a partner with us and allowed us to give our comments and be an important part of this. He read the last clause on Page 2 "the County looks forward to being able to review the revised socio-economic study when the study has been completed in fall (October) 2012 and prior to publishing the Final Plan."



Commissioner Jankovsky said again point out the "Mission Statement of the BLM taking into account the long-term needs of future generations for renewable and nonrenewable resources." We need to remind the government agencies of the importance of multiple uses and this is a principal that has been practiced in the Western United States for well over 100-years and needs to continue.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

#### **5. County Attorney Update: Carey Gagnon**

No issue but at 1:00 p.m. we need to be in contact with Phil McKenney and Katherine Ross for the continued executive session for the County Attorney.

#### **LUNCH - Noon**

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA: 1:00 p.m.**

No comments

#### **REGULAR AGENDA: BUILDING & PLANNING ISSUES**

##### **1. Source Water Protection in Garfield County - Paul Hempel**

###### **Attachment Water Assessment**

Paul Hempel with Colorado Rural Water Association (CRWA, Dillion Eller and Morgan Hill with Garfield County Health and working with these guys on this plan. Paul explained the Source Water Protection Program and presented a Power Point. CRWA's role is to act as a facilitator in the process of developing a source water protection plan. We want to move forward with staff for the county protection plan. Paul said we would submit a copy to the Board when this is complete.

##### **2. Rifle Fire Protection District/Burning Mountains Fire Protection District & Colorado River Fire Rescue shared and cooperative services update - Mike Morgan**

Mike Morgan, Rifle Fire Protection, Rex Rhule and Matt Board were present to inform the board of the latest updates. Mike said this has been a working effort for 2.5 years and we're finally at the point of signing this agreement.

Mike Morgan explained the concept as has been explained in previous meetings. The Board agreed to be an ex-officio member of the Board appointing Commissioner Samson and Drew Gorgey will help.

Mike stated after 2.5 years this agreement is ready to be signed. The signing will be held on August 26, 2012 at the Lakota Fire Station.



**3. County Attorney Update - Land Use Issues: Carey Gagnon**

**4. Public Meetings:**

- a. To Consider a Resolution concerned with the approval of a Third 1-Year Extension for the Land Use Change Permit for the High Mesa RV Park to Complete Required Conditions of Approval. Applicant is High Mesa Partners, LLC, Daybreak Realty, LLC and James And Monique Speakman - Fred Jarman**

[attachment letter and resolution High Mesa RV Park](#)

For High Mesa James and Monique Speakman with Jerry Rush representative who submitted a letter sent to the Planning Department on August 15, 2012. Fred Jarman stated the Board approved the park in 2009 and stated this is the 3rd extension to complete the conditions of approval.

Jerry qualified the request as being unsure of the economy and the individuals are not comfortable moving forward. However, they are in a different position as of 2013 without finance from the outside. Chairman Martin stated that this was not possible under the old code to do land use changes but the Commissioner recently passed changes to the ULUR.

Commissioner Jankovsky inquired if it was possible to give them a 2-year extension and the answer was yes.

Commissioner Jankovsky - I will make a motion to change the Resolution from 1-year to 2-years and change the date as well, like to approve that Resolution for the approval of an extension for the Land Use Change Permit for the High Mesa RV Park to complete required conditions of approval and have that be a 2-year extension.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

Fred asked if he could have the Board authorize Chairman Martin to sign the resolution after the revisions have been made and will bring it after the meeting today.

**5. Public Hearings:**

- a. Consider a request for a subdivision preliminary plan on ±31-acres to create five single-family lots. The site is located on Red Hill (CR 107) north of the Town of Carbondale. The Applicants are Paul & Linda Froning, Karen & John Hatchett, and Donald & Billie Froning. - Kathy Eastley**  
[Continued from 8/13/12](#)

[Attachment Froning supplement](#)

Carey noted this is a continued public hearing from August 13 on the Red Hill Froning subdivision.

We have been in deliberation and we are looking for some legal advice in reference to the discussion regarding accepting a condition of approval for a fee for improvements associated with CR 107.

Carey has researched this fee and can provide better legal advice with the week delay. She clarified for the record that what we're talking about it not an impact fee, it was a term that came up several times during the hearing. The Board has adopted a Resolution establishing road impact fees and the formula for calculating those fees; however, CR 107 is not located within one of the traffic study areas. Instead, what we're dealing with is an exaction and that falls under Colorado Regulatory Impairment of Property Rights Statute or RIPRS, which prohibits local governments from requiring a property owner to pay money in an amount determined on an individual or discretionary basis unless you meet certain statutory requirements. Those two requirements are that there is an essential nexus between the payment and government interest and that the payment be roughly proportional in nature and extend of the impact of the proposed use or development. There are several factors to consider in establishing whether there is an essential nexus, what are the roughly proportional 4-factors, and she highlighted to the two that are not problematic but then spend time on the two that are problematic. The first is whether the exaction furthers a governmental interest so in this hearing we heard concerns about the safety and status of the road, whether improvements are necessary in order to allow safe access to the subdivision. The Board does have an interest in public safety, and an interest in public roads. That condition can be satisfied. The issue is whether the condition you are imposing furthers that governmental interest. The offshoot requires you to go back to the ULUR and Comprehensive Plan, that where the hang-up arises. The plan of 2030 makes the links that you need to make in order to make the fee in this situation. We do not have sufficient detail in when a fee would be imposed, how, where collected and where residing in your budget when you impose an impact fee resolution; however, when you're dealing outside that area it is much trickier to do so. The direction she will provide to the Board, you do have in front of you an updated exhibit list and in that is a proposed condition offered by the applicant regarding a fee. Then finally as Exhibit AA have a draft resolution which incorporates elements of Commissioner Jankovsky's motion, excluding any discussion of condition of approval regarding a fee in this scenario. She urged the Board to approve the Resolution without any fee for the improvement.

Chairman Martin said and if we want to take into consideration Exhibit Z and AA, we would have to reopen the public hearing.

Commissioner Jankovsky wants to add these exhibits and had a question about the split lot.

Carey said this will be our last hearing on this and whether you want to prohibit a split of the lot or whether you believe that the plat note was sufficient to prevent the one half of the other sold separately in the future and the outcome of that was that Condition of Approval 3a xi addresses the split and requires a plat note preventing such a separate conveyance in the future.

Commissioner Jankovsky - I want to address Exhibit A so with that I will make a motion we open this application.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Chairman Martin announced the public hearing has been re-opened to submit Exhibits Z and AA into the record. We will enter those into the record and refer to them. Commissioner Jankovsky would like to refer to Exhibit AA, when we close it again, I can make a resolution following what is outlined covered in AA except the potential \$1500 impacts for trail improvements is more road improvements. I feel this applicant, where they live and what they are proposing is they are being impacted by the trail above them and somewhat out of their hands. I heard the concerns about the number of people on CR 107, the parking issues, hiking and bicycling and I think from the County's standpoint we need to work with the Town of Carbondale and that Red Hill group and come up with better access to the Red Hill Trail, which is about a quarter of a mile trail. It has its own issues because it is private land. That's the direction I'm coming from. The other things is I feel here we have an applicant who has looked at his estate planning and their choices are to split their land into a number of lots and get it divided amongst the family or sell the entire piece. I would like to help them with their estate planning. Commissioner Samson agrees.

Mark Chain did not want to make a comment.

Chairman Martin stated to the Froning family it was a very generous offer for the amount of money to go towards the safety aspect and maybe you could direct that towards the Red Hill Cooperative and have the County, City, Recreational District and homeowners work on that issue.

Commissioner Jankovsky agrees and it was brought to our attention the problems on CR 107 and we had opportunity to look at that one more time; it is an issue and we should somehow provide a resolution.

Chairman Martin said we have that opportunity this week and perhaps tomorrow when we look at projects for 2013.

Carey would reframe the question as you ultimately; your job is to determine whether an application meets the standards in the code. If it doesn't then you can impose a condition in order to meet the standard. If your finding is the access is not safer and insufficient and you don't have a condition available to impose a fee to remedy that, then you either need to find it is or isn't adequate access.

A motion was made to Chairman Martin asked if he had a motion to close the Public Hearing.

Commissioner Jankovsky so moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky - I will make a motion that we approve a preliminary plan for the Froning Subdivision, located on CR 107 in the Section 27, Township 7, SR 88 West of the 6th PM of Garfield County, Colorado with the recitals and the requirements as provided in Exhibit AA, which would be numbers 1-12 with all the subsets and authorize the chair to sign. I would state the access on CR 107 is adequate, safe and there are concerns with pedestrians between traffic and bicycle traffic but I think as far as what was presented to us by their engineering group, I do feel it is safe.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**b. Consider a Call-Up by the Director of the Building and Planning Department regarding a General Administrative Review - Land Use Change Permit for an Accessory Dwelling Unit including a Request for a Waiver from the Roadway Standards contained in Section 7-307 of the Unified Land Use Resolution of 2008 as amended, located approximately 2 ½ miles north of the Town of Silt, at 100 Cedar Drive (File GAPA-7216). The Applicant is Frances Cardillo - Glenn Hartmann**

Angelo, Joni Cardillo and Frances Cardillo and our staff person Glenn Hartmann present.

Carey reviewed the noticing requirements with Glenn Hartmann since this was the county's responsibility. She found them to be accurate and advised the Board they could continue with the public hearing. The issue is the right-of-way width is not up to code and the applicant is requested a waiver from the code. Glenn listed three options for the board's decision.

Joanie Cardillo loves living here and the neighbor's opposition saddens her.

Karla Bagley, owner of the adjacent property has concerns about the ADU, trouble with the well and expressed water concerns with additional people living on the property and the road standards.

Nita Smith a resident in the area for 10-years naming the water issues and road standards as problems.

Ted Tilley a resident says the road is adequate the water fluctuates but realizes it is what it is.

John W. Bellio says the property is kept immaculate and the roadway is 30 feet and adequate.

Rey Baumgardner stated water is an issue and had an issue with the renters.

Joni agreed with Ted saying the water has always fluctuated.

Chairman Martin commented the DWR states exactly what the Cardillo can do and that is not to exceed a certain amount of water.

Commissioner Jankovsky asked if the Cardillo have ditch water and Angelo answered yes. Carey asked the legal questions and informed the Board this was a call up by the Board. She confirmed the call-ups by the Board are governed by Section 4-104b and 4-103Gea which do require the county accomplish the notice.

Glenn answered the noticing requirements and Carey confirmed the requirements have been met and the Board could proceed.

Chairman Martin accepted the notice and swore in the speakers.

Glenn Hartmann presented Exhibits A - U into the record and Chairman Martin admitted these into the record.

Exhibit V and W were submitted by the applicant and entered into the record.

Glenn explained the request, submitted the General Administrative Review and provided a power point. Glenn stated the applicant requested a waiver from the Roadway Standards in Section 7-307 of the ULUR of 2008 as amended, which request review of the Board of County Commissioners. Additionally, Glenn submitted the options before the Board. The applicant is requesting approval of an ADU on their 5.2 acre property of approximately 960 sq ft. Glenn submitted the conditions of approval 1-11.

Public comments:

Karla Bagley is the adjacent property owner and has issues with the additional ADU and water concerns. She asked who would monitor the amount of people living in the units. Anita Smith has lived in her home for 10 years and Angelo has been very helpful with the roads keeping them clear as her husband is out of town a lot. Angelo grooms the road and is particular who he brings into the ADU.

Ted Tilley is a resident and has no problems with any of these issues. He believes the road is adequate.

John W. Bellio is a resident and stated Angelo keeps the property immaculate and beautiful. He's never had an issue with the roadway width.

Ray Baumgardner stated water is an issue and when he moved in this neighborhood 10-years ago, he was trying to get away from renters. Therefore, he is opposed to the ADU.

Frances Cardillo in answer to Ms. Bagley's concern about the water stated their well is 100 feet below her well and the Bagley's have children living there when not in school.

[attachment Cardillo ADU application](#)

[attachment Cardillo ADU Staff Report Exhibits](#)

Commissioner Samson - I would move to close the public hearing.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Commissioner Samson had concerns about not taking the right course of action 14-years ago and a mistake was made but a concern not getting the proper permits. It's not as if you don't care of your place and you are trying to get along with your neighbors and commended Angelo for doing so.

Chairman Martin stated in Condition No. 5 the ADU shall be limited to 960 sq. ft. and not expansion permitted including into the balance of the upper floor limits. This is subject to inspection by the Codes Enforcement or by a request from the Assessor.

Commissioner Jankovsky stated the letter from the Water Resource Engineer Carla Adams stating that its uses are limited to ordinary household purposes for on single family unit and on accessory dwelling unit, the irrigation of no more than 5000 feet of irrigation and the water for domestic animals. It does say 1.54-acre feet and believes this is talking about the well. They do have irrigation water, which Mr. Cardillo has acknowledged. The Division of Water Resources does provide for the permit for an ADU.

Commissioner Jankovsky - I will make a motion that we approve a land use change permit for an accessory dwelling unit including a request for a waiver from the roadway standards contained in Section 7-307 and for the applicant Frances Cardillo and with that I would have conditions No. 1- 11 as provided in the staff report and I would change condition 10 waive the road standards and applicants request about expediting the building permit so he can get the work done required for winter and include that as well in this motion.

Chairman Martin stated this is usually a secondary request, you are approving the application, and making sure you are following the correct procedures, you have identified the section to waive.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Chairman Martin stated they must remember guidelines are to be followed and subject to inspection.

Commissioner Jankovsky - I would like to make a motion that we direct staff to expedite the building permit prior after this approval for the Cardillo ADU so they can meet all requirements they need to do.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**6. Proposal from Colorado State University to Characterize Air Emissions from Natural Gas Drilling and Well Completion Operations in Garfield County, Colorado, 2012-2015 - Professor Jeffrey L. Collett, Jr., Colorado State University, Paul Reaser & Kirby Wynn**

[attachment proposal from CSU to characterize air emissions from natural gas drilling](#)

Paul Reaser the Environmental Health Manager, Kirby Wynn Oil and Gas Liaison, Dr. Jeffrey Colette, Atmospheric Science Department, Colorado State University, Mark Tigus, Resource Management with Environmental Health in Ft. Collins and Shauna Kocmen.

Dr. Collette submitted the characterizing air emissions from natural gas drilling and well completion operations in Garfield County and a Power Point presentation telling about the design of a study we've been working on. The project team was introduced Jay Ham, soil and crop sciences from CU and the resource specialist Mark Tigus. We put together a panel of expert's advisory committee from industry from the state of Colorado, Public Health and Environment, US EPA, NCAR and BLM. If this goes forward, we will be putting an operations committee that will include more local individuals with expertise and knowledge of on-going drilling and well completion drill activities in Garfield County. He gave some background about the process that has brought us to this point today. A year ago, Dr. Colette was approached about the possibility of working on a design for a study to look at air emissions from natural gas drilling and well completion activities. We met with the county staff, state and industry to talk about what a study might encompass and to find out if we were interested in working further towards a design. That was followed up in a meeting in Garfield County hosted by the county environmental health department, some citizen group representatives and talked about the potential scope of the study, did field tours of a number of industry operations so we had a better idea of how the study might take place from a technical point of view. Then in May 2012, the final proposal was submitted.

Chairman Martin stated we want facts and we need to be informed and not blindsided. Commissioner Jankovsky commented the HIA was completed but he saw lacking was the air emissions study and we need good data on air quality.

Chairman Martin commented we need true facts, scientific data and it will be scrutinized.

Drew mentioned direction to staff is all that is needed today.

Chairman Martin asked about private landowners and cooperation with oil and gas and Dr. Colette responded that would be the next step for the operations committee.

Public comments

Dorothea Farris was placed to have this study and she supports it.

### **Executive session**

Carey stated the request for a continued executive session regarding the County Attorney position.

A motion was made to Commissioner Samson moved to go into an executive session.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Chairman Martin said we would continue this for the 6:00 p.m. session scheduled at Battlement Mesa on Thursday, August 23 at the Community Center at 398 Arroyo Drive.

A motion was made to Commissioner Samson moved to continue this executive session and stated from 6 - 7 p.m. will be a joint session and then from 7 - 8:30 p.m. the Town Hall to allow the citizens to express their concerns.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

## **COMMISSIONER ISSUES**

### **a. Commissioner Reports**

### **b. Commissioner Calendars**

Commissioner Jankovsky gave his calendar saying he has a tour up to the Piceance Basin with the ANSO, Robert Day. It was very informative and there are two trillion barrels of oil shale in the Piceance Basin. There are millions of barrels of oil per acre and it was eye opening to see CR 5 in Rio Blanco. It was eye opening to see the amount of funds that are being invested in research and development for oil shale, also had opportunity to look at the site for the Northwest site for American Soda and it was a good tour. Tomorrow I am meeting with Jody Ensign with the Third Street Center and will walk through the facility for more operations. Meeting with Beth Shaw tomorrow at CMC Garco Sewing Works to get an update. On Thursday at 9:00 a.m., Human Services Commission to start looking at grants. We have our Town Hall as mentioned and I'm meeting with the Parachute Town Council on the 23rd. Meeting with Randi Lowenthal with the Business Center on the 24th at 1:00 p.m. Going to a Silt Business After Hours on Friday evening from 5:00 p.m. for a Silt tour. On the 25th with the Rio Grande Trail dedication at 11:00 a.m. and will represent the Board. On the Monday the 27th going to Colorado West breakfast and get an update on Colorado West and their CEO; then we have the Sage Grouse meetings at 1:00 p.m. with BLM here and Jim Cagney has confirmed. We will have many maps and a power point presented from our staff so we can start showing the differences between the two plans and the socio-economic impacts in the NTT plan would have on our county.

Commissioner Samson asked if this was going to be run like the last one.

Commissioner Jankovsky said the public is welcome to attend but not public comment will be allowed.

Commissioner Samson asked if any specific individuals needed to be invited.

Commissioner Jankovsky said the landowners who have major tracts of land in the county should be invited.

Commissioner Samson asked if we should do that on a personal basis or advertise or both.

Commissioner Jankovsky thinks in this case it might be calls to those individuals who are landowners that this would have significant impact on those landowners in our county on 120,000 acres of primary habitat, only 20,000 acres are BLM the rest is private land.

Commissioner Samson asked if we should direct staff to...



Commissioner Jankovsky will call and ask Fred to do that.

Commissioner Samson asked if it would good for us to advertise that...

Commissioner Jankovsky said the people who might have an environmental interest so it would be great to advertise it in the papers. The only thing I have a RFTA meeting on the 30th in the evening.

Commissioner Samson - Tomorrow I'll be meeting with a private citizen and talking about CR 332 and possible improvements, concerns, etc. 3:00 p.m. road and bridge going over their plans for the future and possibly talk about CR 332 as well as others.

Wednesday, August 22 9 a.m. AGNC budget meeting talking about the future of AGNC and where we're headed. I can tell you things are going extremely well with Scott as our Executive Director, his knowledge and contacts. We're getting back to where we were.

On Thursday, 8-23 have a communication board meeting and then the rec center meeting at Battlement Mesa, Chairman Martin and I will be attending the Parachute Library Trail at 10 a.m. on Saturday, August 25. The 27th we have a meeting with BLM about Grouse here. 9 a.m. on the 28th we have Mesa Vista and that's just me. I did want to report I attended last Tuesday a Fairboard meeting and that was good and challenged them at that time to ask them if they would be willing to serve again and they all said yes. Kip was not in attendance. Five of the six who are currently on the board.

We talked about two vacancies on the board and they have three individuals who want to be on the board. I encouraged them to get those names to us as soon as possible so we can get them appointed and they all said they would welcome more work. They are very enthusiastic about the 75th Anniversary next year. I complimented them on their efforts and thinks things overall went well and I encouraged them to start getting things set up for parking to the south and west of Napa and probably 100 parking spaces. One of the concerns and we've talked about this we need to get it done and they are going to work on it, the east side of the track which is basically not used very much. They would like to use that for parking. Mike said he didn't see any problems with that on it. We can probably put in 100 to 150 parking spaces.

As to the Napa site, Chairman Martin said we would have to have access to that parking.

Commissioner Samson said don't hold me to this but I think Kip said his construction company could do some voluntary work.

Drew said Napa has to accept the condition of the lot after you prepare it for parking. It would need to be regularly watered.

Commissioner Samson said Napa is very amicable about use of the lot for parking. Chairman Martin thanked Tom for attending the ribbon cutting and ground breaking in Carbondale for the Library on August 14. The senior garden on Wednesday was dedicated August 15. Interviews on the 16 and we will interview on the 17th. On the 18th we plan to attend the pig roast fundraiser in reference to Fire, S&R; Road and Bridge 9:00 a.m. on the 21st with Drew. Town Hall has that and function is in Silt on Friday. The 29th is open as we're not doing the Parachute Trail on the 29th.

Jean was asked if she wanted to say anything about the upcoming election. I'm waiting to see what happens with the emergency rule concerning ballots and sent a request to the SOS about if I have additional options for mailing information to voters. Ran into a problem with the post office, they do not want to allow us to use the standard but use a full first class on our election information mailing and will make it prohibitive to send out

to voters. The format I wanted to use would be understandable and cause confusion. We are back to square one. I will keep you informed.

Drew - A question the time of the Library Trail dedication on the 25th and asked if he had any more about the location so we can post it.

Commissioner Samson - The Library Bridge and it crosses and turns and it heads towards John Lyons property. That's where we meet.

Drew will say near the library trail. Time is 10 a.m. on Saturday.

Commissioner Jankovsky had a couple more things, September 7<sup>th</sup>, we are having the biologist from Colorado Parks and Wildlife here to discuss the PPR plan in a work session plan so we will get an update on how that's actually working on the ground and a plan approved for Sage Grouse and comparing it to the BLM's new plan at 8:00 a.m.

Fred Kuersten called and wanted to remind us of a request to potentially have the library board positions elected and also at least he would like to have an audit of the funds as the library board is spending so much money on construction of capital projects etc. I'm not sure if the library board provides him that audit or not. Drew, I had a question on a bill for \$5,000 to the Wyoming Conservation Alliance.

Drew said he did and either this is a membership organization and the Commissioners the minimum the chair gets a monthly newsletter of their activities. We've been receiving that and it is an issue of whether you think that has sufficient value for the money; we did pay to renew.

Commissioner Jankovsky - Why pay \$5,000 for a Wyoming Alliance. That is a bill I pulled out and haven't heard back what it was.

Chairman Martin said he gets his information from UMA and not certain why Wyoming.

Drew - Given the choice would be to try to get some pro-rated refund for this \$5000 or send them a letter saying this is the last irritation.

Chairman Martin wanted to do more research.

Commissioner Jankovsky asked how this got through. I do have another membership group to talk about, the Westren Counties Environmental, Bob Werdin is the executive director and would like to discuss.

Chairman Martin has Mr. Samson on September 6 at CMC.

Commissioner Samson said the first thing to go to is the North West Oil and Gas Forum at 10 a.m. and then we co-sponsoring with CMC the luncheon.

Commissioner Jankovsky thinks they will want Commissioner Samson to say a few word.

Chairman Martin wants to reserve time for Cowboy at Carbondale on September 7 in reference to appreciation to cowboys. It's in the late afternoon.

Jean said this usually starts in the afternoon and goes into the evening. They set up tables and they bring music.

Commissioner Samson - It's more of a celebration.

Jean said yes, it's a celebration.

**c. Approval of Minutes**

**d. Commissioner Agenda Items**

**ADJOURNMENT**

## **SPECIAL WORK SESSION**

- a. 9:00 a.m. Budget 2013: Capital Projects - Ann Driggers
- b. 10:00 a.m. Parachute, Piceance, Roan Greater Sage Grouse Plan Implementation Discussion - Fred Jarman, Daniel Neubaum of Colorado Parks and Wildlife, and other representatives

**This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. If special accommodations are necessary per ADA, please contact 945-5004 prior to the meeting.**

**Prepared by: Jena Thompson, Executive Assistant**

*September 5, 2012*

\*\*\*\* September 4, 2012 \*\*\*\*

## **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO**

**Continuation from September 4, 2012**

### **Roll Call**

### **Pledge of Allegiance**

### **Invocation**

- a. Commissioner Reports
- b. Commissioner Calendars
- c. Approval of Minutes
- d. Commissioner Agenda Items

Commissioner Samson - Today we have this continued meeting and at 9:00 a.m. we have a workshop and at 10:00 a.m. we also have a work shop on the PPR Plan Sage Grouse.

Chairman Martin - Correct and that is with the Division of Wildlife, Parks and Recreation.

Commissioner Samson - Thursday, the 6<sup>th</sup>, I assume all three of us will be attending the Northwest Oil and Gas Forum at 10:00 a.m. at the CMC in Rifle. Immediately following that we are sponsoring a luncheon with CMC. 5:30 p.m. there is an EAB meeting that starts and then at 6:00 p.m. the new director of Colorado Oil and Gas Conservation Commission (COGCC) Matt Lepore will be speaking and it probably wouldn't be a bad idea for all of three of the Commissioners to attend and listen to him speak. From 5:00 p.m. to 7:00 p.m. There is a Valley View Hospital open house at their new Cancer Center on Thursday, Sept. 6 and then there is a Division of Wildlife meeting. Commissioner Jankovsky - It is a barbeque at the Two Rivers Park.

Commissioner Samson said we all had an invitation. There was going to be some important speakers there too that they wanted us to hear.

Commissioner Jankovsky said their Commission is going to be there, the Wildlife Commission. That's all on Thursday.

Commissioner Samson - My question is, the three of us will be on Thursday a.m. at the Northwest Oil and Gas Forum and the luncheon, are all three of us going to be at the EAB meeting?

Commissioner Jankovsky has EAB on his calendar.

Chairman Martin - No, I think I ought to cover the Park and Wildlife here in Glenwood Springs. At that point, we can cover the items and Valley View Hospital (VVH) is the grand opening and it goes to 7:00 p.m. I will try to cover VVH at 5:00 p.m. and then go over to the Two Rivers Park with the Parks and Wildlife.

Commissioner Samson - I did have a meeting at 8:00 a.m. Colorado Parks and Wildlife on Friday, September 7. It had something to do with when we met with the BLM guy, Jim Cagney.

Commissioner Jankovsky said we don't have anything on the 7th.

Drew - I think its 10:00 a.m. this morning so you can strike Friday. What time is the Division of Wildlife on tomorrow night?

Commissioner Jankovsky - From 5:00 p.m. to 7:00 p.m. at Two Rivers Park - a picnic.

Commissioner Samson - Then on Saturday, publicity for New Castle, Burning Mountain Parade at 9:00 a.m. I think all three of us have an invitation from 11:00 a.m. to 4:00 p.m. at Canton Guard Ranger Station open house up Divide Creek. There was something else happening on Saturday, Club 20 Grand Junction.

Commissioner Jankovsky - Mr. Samson covered most of it but from 1:00 p.m. to 2:00 p.m. today, September 5, I will be on a phone conference concerning BLM Sage-Grouse Associated Economic Study and at 2:00 p.m. I'll be on a phone conference concerning the Compressed Natural Gas for vehicles that are meeting with Garfield Clean Energy. I cannot make it to Rifle. I'm at the same meetings as Commissioner Samson at 10:00 a.m. the Northwest Oil and Gas Forum, CMC lunch and 5:30 p.m. Energy Advisory Board. On Friday, I have a 1:00 p.m. meeting with the Garfield Building Corporation, there's a Club 20 barbeque but I would not make it. That's also the kick-off of their debates for Club 20.

Chairman Martin - Only changes I have are two of them on Friday, I will be in Denver for CCI starting at 9:00 a.m. and in Carbondale at 6:00 p.m. there's a community gathering called Cowboy Up on the main street, it's for all of the citizens of Carbondale and features and spotlights the Cowboys in Carbondale. Then there's a volunteer luncheon on the 8th at Aspen Glen at 11:30 a.m. on Saturday for the Senior Volunteer Program. Commissioner Jankovsky will not make the Senior Volunteer program.

Chairman Martin will try to get there by 11:30 a.m. but the parade at Burning Mountain Days in at 9:00 a.m.

Commissioner Samson - We should announce on Monday that our meeting is in Carbondale for our BOCC meeting.

Commissioner Jankovsky said that is a different format where we start and work straight through the program. It is a delayed meeting starting at 9:00 a.m. for a rolling agenda at Town Council Chambers in Carbondale.

Chairman Martin - One other question and that was a meeting set up on the 13th and I think Jena set a DDA joint meeting between the County and DDA and the City of Glenwood Springs.

Jena said that was cancelled.

Chairman Martin asked Jena to contact Leslie Bethel and make sure that has been canceled for the 13th.

Jena gave the Board dates to consider. Pitkin wants a lunch meeting on either 10/4; 10/18 or 10/19 in Aspen.

The Board agreed October 18th if that works for them.

Jena said Glenwood City Council would like to have a noon meeting on 9-27 at noon in the Glenwood Council Chambers. All agreed it was fine.

Chairman Martin - On September 29 is Potato Days in Carbondale at 10:00 a.m.

Commissioner Jankovsky - There are some things I would like to talk about. Western County's Alliance Ken Brown asked for a designated Commissioner to be on their board for conference calls and we have not discussed that as a group. We either need to do this or not be part of the group.

Chairman Martin - A lot of good information comes back through the federal programs and information on how it affects everyone. I think you ought to sit in there and listen and participate.

Commissioner Jankovsky - If we are going to be on their board someone should be on there and report to all the BOCC on what is going on. I think it increases the value of our membership.

Chairman Martin - You know I'm on the WRI board, which is Western Region Interstate and does the same general items but covers a larger area. Do you have time Tom to do that?

Commissioner Jankovsky - Yes. Commissioner Samson is the one who brought Mr. Brown in front of us so I would leave that open to him first. I do have time to do that if he doesn't.

Commissioner Samson asked when those meetings would be.

Chairman Martin said this will be by phone and they will have their agendas and can coordinate with that. We should find out when they do those and coordinate between Tom and Mike.

Commissioner Jankovsky will follow up with Ken Brown. Additionally, I was out at the recycle area dropping off a dishwasher, which I thought instead of a \$5.00 cost to me, he gave me \$5.00 for it. That was at the Green Cycle in Silt and that's Kelly Lyon's operation. He happened to be there and asked me why we haven't had recyclables at the Garfield County Landfill.

Drew - That is on schedule to be rebid no later than 1st quarter of 2013.

Commissioner Jankovsky - Then local preference would be on that then.

Drew - The Procurement Code would address that depending on the amount of the award.

Chairman Martin had the same conversation. He was just confirming that with Drew.

Commissioner Jankovsky - We had our Sage Grouse Coordination meeting last week and definitely the socio economic portion of that came up and definitely the BLM study and wanted to make sure if BBC could do a quick study on the socio economics and how it was going to affect our county and he would definitely be interested in doing that.

We saw the maps and what was going on and in the PPR Plan there is a huge area that it is highly industrialized but it is highly being used by oil and gas, its private lands owned by oil and gas so they can drill and get their minerals out. I would like to go forward with BBC. I wanted to make sure that was the direction of the Board.

Chairman Martin - Doing a socio economic study, does that qualify as an emergency procurement or would we have to put out an RFP. BBC is not currently under contract. Carey stated this would not qualify as an emergency.

Commissioner Jankovsky said we have a September 18 deadline on this. This would be under professional services contact.

Drew - It does not qualify for emergency but the amount of the study is under \$10,000 and this is an extension of work BBC, a 3rd phase so even if the Procurement Code applies your new Code is not in effect. It would involve some calling around for bids.

Commissioner Jankovsky - Fred has the time line and if we could just get this done I would be very appreciative.

Chairman Martin - I would say we would give you direction to work within our rules and regulations to get this done between you, Fred, administration and legal.

Drew - I think it's possible because of the amount. You are not talking about publishing, its \$5,000 and we'll get that done.

Chairman Martin - I want to get it done on the up and up that's for sure.

Carey will make sure that part happens.

Commissioner Jankovsky - We are going to have a request for grants and sent an email to Drew on this for a huge amount of funds and more than we normally give out for grants for a not-for-profit. Some of it was to pay down debt and some of it was for the 3rd Street Center and I'm would like to give her some heads-up if not all of those things are part of our grant process before they come here at the meeting and ask for funds. I would like to have a better understanding of what they are asking us for.

Drew - I think in this case but really in all cases, the process would benefit from a more structured advanced review. It puts the applicants in a difficult position and the Board too. To help them when they are hearing for the first time, for example, we need your 5013C letter and it has to be matching in cash or in-kind. There is a considerable amount next week being requested for grants for non-profit i.e. the 3rd Street Center. This is just a heads up and not part of the grant process. He suggested as a better idea, if they report to the Board the grant agreement allows us to look at their books and see how this was spent. All the standard terms and then when you get something like this, which a high dollar amount and some things we clearly never fund; it would be better to meet with them in advance. So rather than putting them on the agenda I would not do that until we can talk to them. I'm happy to do that.

Commissioner Jankovsky - I believe the 3rd Street Center plans to be on September 10 in Carbondale.

Drew said we wouldn't put them on the agenda unless we can talk to them and I have a full schedule this week but I will do my best. Otherwise, we'll be meeting on September 17.

Commissioner Samson suggested Drew call them and think a better route would be for them to come in and talk before they come before us in a meeting.

Commissioner Jankovsky said the lady's name is Jodi Ensign and he did have a meeting and talked with her. That's a lot of money, many different requests and she was asking for more as we kept talking.

Commissioner Samson - My request is that before she comes here, I've never talked to her and I don't know what she's asking for but it sounds like a sizeable amount; therefore, I think she needs to sit down and visit with Drew before coming to us. Drew will do his best to get this done so they can be there in Carbondale.

Commissioner Jankovsky - I would like to follow-up with Drew and maybe we do need to start seeing some of the grants such as some sort of profoma, P&L's. What we saw yesterday was quite different between the two, they were similar presentations to some extent, and both were about doing video presentations. They were different in the amount but a huge difference in the quality of the presentation. What do we ask as far as follow-up? I received a call from someone who got a grant from us from a woman who works for the newspaper and she said this guy got a grant and he's not paying his bills to her. I think it is something we could look at some more and maybe clean up as far as the process of grants and what we require people before they come before us with a request such as what are the perimeters.

Drew - I appreciate this and it is helpful for us to be prepared, it will only make for a better process for all involved. I will do what you just told me to do.

Chairman Martin - I was contacted by the Thompson Divide Coalition, they wanted us to sign a letter supporting Senator Bennet's legislation and I reaffirmed what our position had been and that was we support our Resolution that we passed and that was the extent of our support. The Resolution be followed and we're not getting into the legislation, etc.

Commissioner Samson - Legislation or litigation or both.

Commissioner Jankovsky - That Resolution was passed before I was on the board but that resolution, the way I remember it, said that we would request that the Thompson Divide group and the oil and gas industry work together to try and come up with an amenable solution.

Chairman Martin - That is correct.

Drew - The same request from Pitkin County through their county manager.

Chairman Martin - What we could do is on letterhead to reaffirm our Resolution, identify that Resolution and the support we are giving in reference to Thompson Divide issue.

All agreed.

Commissioner Jankovsky - The last time we met with them we did identify that Resolution.

Drew - I will get that letter with the Resolution on your agenda for Carbondale.

Chairman Martin - The only other thing I had and this goes along with the capital projects but an idea I've thinking of for many years. We have a three area of Road and Bridge shops in different areas and I would like to be able to go ahead, complete projects and combine when necessary staff, equipment, etc to complete projects instead of doing sections of projects every year. Like CR 329 the Colburn Road, three different times we've done work on that road over the years and we end at the same 90 degree corner three times in a row, the section that is 1.2 miles long has gone unpaved and un-kept to the County line up the hill into the Forest Service. That has occurred numerous times on CR 110 and we just finished the complete road on CMC, that was a

great project and it looks nice, etc. I would like to be able to do those projects and get them totally completed within the same period when we first start. I would also like to revisit this Hotshot team and see if we can't put that back together and see if it will work in a different manner. Some of it was good and some didn't work, let's see if we can work with Deb on those and then she's able to handle emergencies and to take care of the thorns in her side by sending that team to get those things done in a faster manner. Its ideas but we do have to address a couple of roads that we stopped on our projects. Commissioner Samson asked John to explain the Hotshot team.

Chairman Martin - The Hotshot team, say there's signs saying there are pothole issues, a block is blocked and people say they need to put that on the maintenance list and we can't get to it. It compounds into an issue that needs deferred maintenance to deal with it and it's put off for 30 to 60 days. The Hotshot team can hit that immediately.

Commissioner Samson - It's a team of road and bridge employees that are specifically designated to be on the Hotshot team.

Chairman Martin - Yes, to do those immediate needs and take care of public relations as well.

Drew - You have this in place and it's an issue of enhancing it.

Chairman Martin - That my point, we need to talk about that and what do they need to really accomplish it, do they have enough equipment, training and feel it is a rapid response type team.

Drew - That's really helpful and these types of board policy statements are helpful in trying to get done what the three of you most want done. So a preference for completing single projects over performing the equal amount of work over more than a single project is a policy-issue and devoting more resources to a Hotshot team is a policy issue. Another policy question that came up earlier this summer was quality standards for road construction and that would be fair to all concerned, we didn't expand a contract or grant a contract amendment and the underlying question was what quality we would build all of our roads. That was a function of not really scoping that project correctly in the first instance and knowing that we needed an overlay; so getting your opinion about your policy and what you want your roads to look like is very helpful. Now is the time to be talking about this stuff before we put the dollars in the line items.

Chairman Martin didn't intent to beat up on anyone on this issue but the example is exactly what you're talking about, the overall cost of the project, which was to use the overlay to Divide Creek, you can go 40 to 60 mpr now instead of the old bumpy road going over the Vega Reservoir. We stopped at 1.2 miles to the end on a beautiful road and then it hits potholes, etc. but the extended cost runs from \$250,000 to go all the way into the Forest Service pass the County line. It's an uphill grade and a pad at the top but it would help to keep all that gravel off the pavement once it's done. We stopped and it will be about \$250,000 to complete the entire road. It's a long project. That's what I look at and say, wait a minute, now we're going to do it next year and then the mobilization cost on top of that drives it over \$300,000, plus getting everyone up there when we could have completed it with all the equipment and the product made at the same time. Those are the kinds of projects I look at so we can actually complete the entire project in the area that needs the attention instead of doing the 1/2 section, 2/3rds of a section and stop. Then we want to share with the other area, the other shop



ended and we don't get anything completed. That's the efficiency I'm looking for the roads. These are discussion items that I would like to have. These are things people are calling me on.

Commissioner Jankovsky isn't fully aware of where all the County roads are located.

Commissioner Samson said he wasn't aware of the roads either especially the ones in district 1.

Drew stated there is a pending land use application and it limits the Board for any exparte communication. The High Lonesome Ranch will be here to discussion an item on September 17.

Carey said this is difficult not knowing the material they will present.

Commissioner Samson has made contact with them and did not cross the perimeters.

He explained the Salt Lake Tribune had an article on Sage Grouse and how it is challenging more and more people with grazing, energy and tourism. It is devastating the western states. In Idaho there is question on the science of grazing as well as in Montana and Wyoming.

Commissioner Jankovsky wants to look at the Red Mountain road.

Drew asked Commissioner Jankovsky who was the person he recommended to write the cons for the upcoming ballot question on Ranchlands, etc for the Garfield Legacy Project. Commissioner Jankovsky said Fred Kuersten. He said Betty Scranton also has concerns regarding the open space.

**September 5, 2012**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**SPECIAL WORK SESSION**

**a. 9:00 a.m. Budget 2013 - Capital Projects**

Ann Driggers submitted the Capital Budget for 2013 and the purpose for the work session was to have an initial discussion and review of certain capital items excluding the elected official's budget. No decisions would be made today. The departments who submitted capital improvements were: Finance - \$50,600; Information Technology - \$285,292; Airport - \$968,296; Facilities Management - \$956,900; Fairgrounds - \$1,584,000; Vegetation Management - \$300,000; Solid Waste Disposal - \$851,000; Road and Bridge - \$27,116,000; and Motor Pool - \$821,000.

Chairman Martin said that Gary in IT was trying to help cut transportation costs with the new software, which allowed for video conferencing so the Board could work here in the Commissioner's room for statewide conferences, Health and Human Services and Road and Bridge. This is similar to how the state and federal systems function.

Drew said we have some capability now. Drew would like to have a policy discussion with the Board and Elected Officials in mid-November and then a Retreat on December 7. The policy discussion would be to work together as a team, maximize the construction seasons and have bids out timely. The Policy Discussion would include the

proposed budgets to have a meaningful plan. Then the Board would drive that in a public meeting for the next 5-years. The Retreat would be some version as done in the past with the elected officials and for the Board of County Commissioners plan. Commissioner Jankovsky expressed interest in having a master plan for Motor Pool and Search and Rescue and how these tie together looking 5-years into the future. The Capital Budget 2013 was stopped in order to go into the PPR Plan with the Department of Parks and Wildlife.

Resumed the meeting with Road and Bridge's capital improvement budget.

Commissioner Samson asked specifically about Groff Lane, CR 261. Deb answered saying the plan is to widened and pave at the north end to 24 feet. Jeff Nelson said it is now about 22 feet now. It just drops straight off in the ditches.

Chairman Martin noted there was a ditch on both side. We will have to move those ditches or pipe them. Wyatt's idea, since it narrows at that end and the visibility over the hill, is to fix it on the north end. Jeff said the north end is the worse as there are some turning movements. This is off Silt Mesa Road.

Commissioner Jankovsky asked John to enlighten him on the Divide Creek (CR 311 upper and lower) budget for \$7,550,000. Deb responded saying the upper project is currently in place this year to start and the lower end was to straighten out the lower end and open it up to heavy hauling giving them a shorter route. This cuts out about 20 miles of traveling. The \$7,550,000 is new dollars allocated.

Chairman Martin said East Divide (CR 313) needs a lot of attention. Some history needs to be done on this road for a heavy haul route because at one time it went all the way through to CR 313 and comes out to Four Mile Park. It is an old county road back in 1888; it shows it was a county road and that's the history of the need for the road researcher. It could be a legal battle or you could establish the RS 2477 and at that point you would have to go through the process to make sure it was a mutual project. That would cut down a lot of traffic and a shorter distance. That is a consideration. Jeff said it is on the older Forest Service maps as a county road.

Jeff said on CR 151 it has been awarded for engineering and drainage design study, so the plan is for a winter construction project. Some thought we were going to close it but that's false.

Chairman Martin said they are having a community meeting at Sweetwater and wanted to know about this CR 151.

#### **Equipment budgeted**

Deb explained the heavy equipment being requested.

#### **b. 10:00 a.m. Parachute, Piceance, Roan Greater Sage Grouse Plan**

**Implementation** - Those present included Dan Neubaum the Wildlife Biologist out of the Grand Junction office and helping coordinate the PPR Working Group saying he inherited it from a previous DOW biologist; Kathy Griffin the Species Coordinator for the State for Grouse and works with the Gunnison Sage-Grouse, Greater Sage Grouse and Columbia Sharp Tail Grouse out of Grand Junction; Brad Patch Senior Biologists for Parks and Wildlife in the Northwest Region and Fred Jarman from Building and Planning.

Fred presented a Power Point similar to the one he presented to the Board at the BLM Sage Grouse meeting on August 27 and shared some of the discussions

we had with BLM on this subject of Sage Grouse and the local PPR Plan for Garfield County. He reiterated how that stacks up against the NTT report and it all boils down to the mapping. The question that we have seems to focus around the mapping and how that pertains to our county in the various topography we have in this area. We are trying to see if there's any variability in the map. That's part 2. Part 1 is really understanding the PPR and it seems you people are the best experts at what's going on with that plan and how it's being implemented. Commissioner Samson asked for clarification on the 67% federal lands. Fred said it is about 62% federal and there is very little state land, you're still looking at about 63% public land and under public ownership. The Lek sites were shown on the slide in white circles.

Commissioner Samson asked the official definition of a Lek according to the biologist.

Brad said the biologist would be the best one to answer.

Dan said Lek sites are communal breeding sites, Sage Grouse gather on them periodically and they are unique to some other birds, there are Leking species that arrive at the same point each year. Some of the Lek sites in the Piceance have been active to the extent we have data since the 1980's and some as far back as the 1950's. These Lek sites are used for an extended time for breeding. Commissioner Samson asked how large an area is allowed for a Lek.

Dan said in smaller populations in the Piceance given the topography issues are 2, 3 or 5 acres in size. They tend to form in a clearing and could be as much as 40 acres.

Commissioner Samson asked if this is territorial and return to that breeding ground every year.

Dan said they return to that site although there is some movement of birds from site to site. Generally the birds return to the same site to breed.

Kathy said they are very transitional on a Lek site and could even be daily.

Dan added, Lek sites select good visibility sites, openings etc but what drives the Lek is the quality, the suitability and the availability of nesting habitat. These are mostly entirely in sage brush in Colorado and tall enough to nest under usually at least 24 inches high. Riparian areas are not always associated with streams but wet meadows etc. In July, August and September are the months they tend to move in these areas as they raise their chicks and then move back into the sage brush for winter.

Chairman Martin referenced the counting was done by aircraft and wondered if this was by male/female and using a formula without on the ground sightings.

Dan stated what we do on male counts in the Greater Sage Grouse Habitat adding there is a fair amount of guess work in doing that and we have opted not to do so for the Greater Sage Grouse. Due to the difficulty in getting into the Piceance we do all the Lek count by aircraft, helicopters and follow up with all we can on the ground but we can't get to all of them, especially the ones on the rim.

Chairman Martin said when we did this PPR Plan we ran into a data gap in reference to many years between and there was no Lek counts so you could know if they remained, died off etc and what is the timeline now on Leks and the review of the counts. Is it annual now based upon the plan or the lack of data?

Dan said it is annual and we have slides to show the data we have in the Piceance.

Fred continued with his slides. When we had Jim Cagney here we spent some time talking about the applicability of what the NTT was designed to cover as far as habitat goes and what that might mean in difference to the topography in Garfield County and the difference we have in the landscape in the Piceance. When looking at the mapping we were more concerned with the broad brush appearing in the designation and what it means. Is there room for discussion on the interpretation of the mapping? That's the point of this and when you go further down it shows the elevation up 4-miles and for us as a matter of policy, if that's really applied to the question and is this done on the priority habitat that come down up here to the other side of the top and then out here as far as a management responsibility (slides). That's the discussion we had with BLM trying to understand what the science was behind this being a reality and how the Pindale, WY experience is in the Piceance and what it means from the mapping. That is foremost in our minds. The Famous Grouse Book is the main resource cited in the NTT. We would love to hear anything on the 4-mile buffer and how that comes to be. Fred asked to have the BLM group explain the science. This is what we are asking you to explain - the mapping landscape iconology background.

Kathy said she had a couple of slides that would address some of the issues Fred brought up. She talked about the population levels and where they have been and Dan will go into the plan itself. Kathy will explain the maps we developed. She showed various slides depicting the Lek population in Colorado. We are indexing the high male count and not counting the females. In Colorado, the populations are different in their sizes showing Northwestern Colorado and North Park. We don't go back before 2005 and we don't have accurate data in the PPR Plan. Northwest Colorado has the highest population counts. In all our populations, we are going through a downward cycle and we're hoping this is going to go back up and start coming out of this trough and fluctuations. She didn't have data for the PPR. Focusing in on the PPR because there is variation between the years. When we show year graphs, we want to do a 3-year average to take some of that variability out. The PPR shows a downward and now we see an upward. The data shows we are in a downward trend and the population for the PPR.

Commissioner Jankovsky indicated the southern part is more industrialized with oil and gas development.

Dan didn't have the exact number but it a larger proportion of that count than the northern portion would be contributing quite substantially more. He will provide those numbers to the County.

Kathy said it's like 2/3 to 1/3.

Chairman Martin thinks this has to do with the property owners and mineral owners to go ahead and improve habitat. You are seeing a recovery simple because of common sense and habitat restoration.

Dan said we don't have anywhere in the state other than with a good census effort on raptors and magpies, who are a great killer. There are a number of

predators who prey on Sage Grouse.

#### The PPR Plan

Dan gave an overview of the Plan and how it evolved when the working group was formed in 2005 showing the goals and purpose of the PPR Plan. He read it into the record. This was phrased carefully so that everyone who was participating and had buy-in was willing to be a part of the working group. The Plan was an attempt to bring in all different landowners and constituents and try to put the best foot forward.

Chairman Martin asked if Dan had a list of all the participants, who was participating, giving information and giving expertise. It was a true effort of all agencies, property owners and governments working together. However, as Mr. Cagney will tell you it is voluntary and not mandatory. He cannot consider that. Kathy said when you have such a wide group of people signing the Plan, in order to get the Plan finalized and put forth you have to put in things like voluntary. Chairman Martin said a couple of agencies are using that as their "out" right now. The intent was there and it was almost a 3-year plan.

Dan said the folks who did participate have signatures in the back of the Plan and represent those folks who did participate. This was not a regulatory document but rather to encourage the voluntary participation of some of the strategies identified that would address issues as impacting the Grouse in that population.

Chairman Martin said for clarification, some of the governments didn't have budgets to go forward and make it mandatory and no monies were allocated to implement the plan and make it mandatory.

Brad said without exception this plan and others; agencies didn't have the manpower for the budget demands. It is part of the reason it is voluntary.

Dan continued with the history of the plan showing slides of the implementation planning process and the group hashed through all these topics and tried to identify how they related to our given population in the PPR. Every population differs and every agency that reviews this will be different. The impact on the Grouse was considered the top ranking issues affecting the population where focus could be placed. The local ranking is different than the others. We have the original justification that was placed on all of those to help explain the nitty-gritty of how those rankings fell out on the working group level. When the Plan was put together the working group was large and by the time we got to the implementation plan the numbers had dwindled.

Chairman Martin said one of the largest signs was the housing development because in the working plan the folks there, The local property owners knew the population, knew the development and the country where the state gives it an overall broad brush and says we can't have houses up there but they don't know the topography and the layout of the land, etc. The working plan is more detailed and tailored to the actual environment instead of having the state do a rating overall. More clout should be given to the local plans. That's what is missing sometimes in the overall broad brush working plan or one size fits all. Gunnison is in the same boat with their local plan.

Brad said the Leking column (slide) in the state ranking is the population in

Colorado.

Dan showed a slide in how the Plan is now being implemented with mineral and energy development and grazing strategy.

Kathy said there are 5 Plans and they cover over 100,000 acres for Greater Sage Grouse. We have done over 500,000 acres of habitat treatments in conservation and fee title, we have 40,000-acres that are held by Colorado Parks and Wildlife and another 13,000-acres that are held by other entities like the Cattlemen's Land Trust.

Chairman Martin named the counties, Moffat, Routt, Jackson, Rio Blanco, Garfield, Mesa, etc.

Commissioner Jankovsky asked Kathy if she could supply the numbers in Garfield and she said yes, she would supply those to the county. These numbers could give us an idea of the voluntary plan.

Brad broke it down, the landowner patterns are easements in the PPR, the vast majority of the wildlife mitigation plans are in the PPR Plan and many are in the Rio Blanco side but a good chunk of the Garfield County portion is being managed by the mitigation plan. Many of the companies are very pro-active in putting in conservation measures on the ground; others are only interested in clearly regulatory hurdles for permitting. With a voluntary effort you do get that range of participation. Wildlife Mitigation is provided in the COGCC rules and has been provided in the context of those rules. Some of the rules provide for consultation with the Division of Parks and Wildlife. We can make recommendations and protective measures. In Garfield County the grazing measures on the holdings have had some market improvements in the Plan following the prescriptions in the PPR Plan.

Chairman Martin said over-grazing is a lack of manpower; not paying attention and some may be intentional.

Brad said in a general sense in implementing the local plans, we have conversations with every opportunity whether working with BLM on a grazing permit, an energy company with a development plan and all kinds of things included in the PPR Plan are being discussed with the division folks and biologists at every opportunity. The outcomes of those vary widely. Keeping this PPR Plan as a guide is to inform and help guide those management plans.

Dan said they are monitoring populations and include increased efforts this last year. A number of research projects that we put on the ground have been funded. Dr. Tony Apa has been looking at habitat uses, movement etc and that report is completed but it hasn't been posted on the website, but not the final. Another researcher Daniel Johnson has been looking at restoring energy fills for wildlife doing a number of different types of removing weeds and other studies. That work is on-going.

Kathy said none of the populations in Colorado would go extinct or have a low probability of less than 1% going extinct within the next 50-years, if everything stayed no new threats and no new development on the landscape. The only exception to that was the Meeker/White River population and that has a much higher probability of going extinct in the next 50-years. We have done some of that population modeling to look at population viability. As it is now, PPR is a vital

population, again it is a model and one of the problems with that modeling is looking at how to take into account future development. That initial population by analysis is saying if there is no new loss of habitat that's what would occur in the next 50-years. In looking at a scenario of oil and gas development seen in the previous 5-years and played that out, almost all the populations disappear but when looking back at that modeling effort and going into detail and taking into account why that is occurring the model is too simplified. It's not like having wide spearheaded cutting or 800 wells every year in the PPR. That's not the reality of how it plays out on the ground. They did a study on the intensity of the development and the duration of the development because we know there are places in WY and CO where we've had energy development in the past and it has not greatly affected the populations.

Commissioner Jankovsky once more alluded to the high industrialized area in the PPR Plan. We have a high amount of oil and gas activity and our own biologist tells us the bird is affected and there is disturbance but somehow this bird is continuing to survive in those areas.

Kathy said one of our researchers, Mindy Rice did a seasonal habitat mapping using data from 11 studies in Colorado and all were telemetry data. Those studies occurred between 1997 and 2010 range of years so they are using a range of habitats based on weather. Over 16,000 locations were included in this modeling exercise and used a basis wide vegetation layer that includes all different types of vegetation variables. Some are positive for use by Sage Grouse such as sage brush and others are negative such as the forest shrub land. You have both where they're using and where they are avoiding. She did a seasonable mapping in northwestern Colorado to give some perspective. There are areas across the map (slide) that we don't find Sage Grouse. She did this for breeding for summer and winter habitat. The PPR has changed to a more suitable habitat and in the winter there is a difference. You get a high probability of some use in some seasons for Grouse. The data came from the different points in the PPR and it was an important component of training in the model for the entire range.

Dan said in the Clear Creek drainage they don't consider it, it is excluded from general habitat and we don't consider it suitable habitat.

Additional discussion continued with the various slides shown by the Parks and Wildlife.

a. **9:00 a.m. Budget 2013 - Capital Projects**

This was included in the morning session. It was Road and Bridge and Motor Pool.

**PROCEEDINGS OF THE GARFIELD COUNTY  
BOARD OF COMMISSIONERS  
SEPTEMBER 10, 2012**

**Roll Call**

Commissioner Jankovsky, Commissioner Samson, Chairman Martin, Andrew Gorgey, Carey Cagnon and Jean Alberico were present.

**Pledge of Alliance****Moment of Silence****Public Comments from Citizens Not on the Agenda****Waste Disposal MIR Application**

Chairman Martin informed the speakers of the passion explained by the size of the audience in reference to an active application for the Transfer Station in Carbondale. This application will be heard on Monday, September 17. We cannot take testimony otherwise it would compromise the issue. He encouraged all interested parties to submit written testimony, attend the hearing and or email. Submitting written statements would not mean they could not testify at the public hearing. If we take comments today; however, it would not be fair to the applicant who is not here to hear what's being said. Glenn Hartmann was out front and gave his email to those who wanted to submit comments directly to the Building and Planning Department.

**PAC3 Grant Money**

*Veronica Whitney* – I live in Carbondale and here today to ask the Commissioners to see you can have more stringent ways to grant money to non-profits. From what I understand you granted money to PAC3 last month, I understand they are not doing very well financially because I run the Hispanic Newspaper and they have not paid us. Mr. Burman has said to call every week until they have paid us. I have to pay my accountant to make all the phone calls. In an email he said they are doing very well. I'm not trying to put them down but just saying when I spoke to Mr. Jankovsky who told me the Board does not look at P&Ls when granting public funds and I believe that should be very important in the future before releasing money because now you are committed and if you release this money and they close or whatever happens but they are not paying their bills. It's not looking good and I have a business to run, I'm a taxpayer and I don't feel I need to subsidize them twice. I'm all for non-profits when they are working well. If they cannot pay their bills, that's a sign for us not to grant them funds. Do you not ask for P&Ls when a non-profit comes to you for a request?

Chairman Martin said we do look at P&L and that's part of the review process to make sure they are sound and we also ask for any other contribution at least listed contributions and the people who support them for our consideration and if there's a public purpose for their existence. We also require matching funds. The decision is made on what services they can render to the general public. But paying their bills is going to be their issue. They need to pay their bills for sure.

Veronica said we should be concerned about where our money is going and what is the longevity of some non-profits? There has to be some help so I'd don't appreciate this as I do run a business and not a collection agency.

Drew Gorgrey – I couldn't agree more than anyone who owes a business obligation to you or any other business should be responsible and pay it. I'm sorry that you haven't been paid. With respect to the standards for expenditures from the Commissioners Discretionary Fund those expenditures are made only pursuant to contract, our standard grant agreement for this purpose allows the Commissioners to review exactly



how the funds are spent. That has been so with at least all of the agreements for 2012. I'm not aware of any money granted to PAC3 Center, I'm aware that they have been in touch with the County to request such funding so I don't think there's been a dollar that's been given to that non-profit. There was a related request that the Commissioners funded with respect to an advertising related request and I don't have a list of all the grants that have been given.

Commissioner Jankovsky said Veronica I'm pleased that you are here this morning because you and I have had a phone conversation and I didn't know where to go. I'm glad you are here and expressing your concerns. We approve a grant for PAC3 for sponsorships in what we've done for 5Points Film Festival, Rifle Rendezvous and also the Glenwood Music Festival all were sponsorship grants and they all had requirements where the individuals had to provide a 100% matching but they were based on sponsorship of those events. This is really between you and PAC3 but I'm glad you are here. I do think we need to at times get a better idea of how we are looking at grants etc.

Drew – There is a distinction between a program and it was advertising for a program and for the Center itself. So my earlier comment pertains to the Center itself. I would reserve the right to look at the exact terms of the monies granted and I know we did grant some this year, but there is a pending request under review. That is the one I'm referring to that we have not granted a dollar to yet.

Veronica – I'm not trying to resolve the issue between us here but I want to bring this to your attention that there is a bunch of non-profits out there and many do their job and it is something needed. But, they need to be held accountable to what they owe before asking for more taxpayer money.

*Anita Sherman of Glenwood Springs* - I wanted to start by thanking Mr. Jankovsky last week for really asking me questions about my party affiliation that was quite interesting. What I found most interesting was the fact that I received a barrage of emails from many affiliations thanking me and also saying that what you did was inappropriate and many thought you were absolutely out of line. As such I wanted to remind you gentlemen that you work for the taxpayers, we pay your salaries and there's an old rule, rule No 1 the boss is always right, rule No. 2 see rule number one. I have a few concerns and apparently so do a lot of other folks. If the continued pattern of conducting business behind closed doors, Tom I had you on record as saying that you received funding, let's just call it for what it is, campaign contributions from S&G employees. Who are those employees?

Commissioner Jankovsky – Ms. Sherman this is not, you're not in a position to sit here...

Anita – I have a position, who are the employees?

Commissioner Jankovsky – Ms. Sherman you're not in a position...

Anita – Okay, why don't I just state who they are, Lester Smith and Robert Goudy okay, those were the two principals, not just employees sir they were principals in S&G Houston. Let me move on, are any of you currently doing business and discussing contract negotiations with a person by the name of Robert Wagner from Rural Public Lands, a lobbyist from D.C? Would anyone like to answer?

Chairman Martin – No.

Anita – Is it true that Mr. Gorgey has been telling the three of you that any presentation under a consent agenda with Mr. Robert Wagner is inappropriate at this time?

Chairman Martin – If the service that he is offering does not go through the Procurement Process, it would be proper to do so and if he has been directed to go through the Procurement Process, I believe that your answers would be there. It would be also a public contract and a public decision.

Anita – And at what part of this discussion has the public been involved with Mr. Robert Wagner. Are you saying you've had no contract with this gentleman?

Chairman Martin – I didn't say that at all and what it amounts to I've known him for several years, he's worked with Oran Hatch and many other legislators in Washington, D.C. and the National Association of Counties on and on. We do not have a contract with him and he is not giving us direct information as a lobbyist; he has made a proposal to be hired by Garfield County that we have not acted on.

Anita – Under what capacity, John?

Chairman Martin – As a consultant and also as a most likely what he does in Washington, DC and that is information gathering and also is as all lobbyists do, work on legislation that interests them.

Anita – And what capacity do you see him working in Garfield County, a Washington, D.C. lobbyist, how would you see him working without County.

Chairman Martin – I would say as all lobbyist remember there are many people that have lobbyist, Aspen has lobbyists, Pitkin County has lobbyists and numerous other folks even Club 20. What it amounts to is it's contracts, information gathering etc and trying to go ahead and see if legislation is needed, if it is properly formatted, if it has to have certain support in different areas, you know how lobbyists work, you are a lobbyist yourself.

Anita – And how John do you see that in terms of a Washington, D.C. lobbyists, someone who has direct ties to the American Legislative Council has received money from many affiliated members to do exactly the type of work, you're talking about....let me ask you one more question Mr. Martin...

Chairman Martin – Let me answer your several questions.

Anita – How can that be conducive to local policy, what do national lobbyists have to do with studying and writing local policy for Garfield County?

Chairman Martin – Well, let's take a look at that, we have the Wilderness Society, and we have the Sierra Club, Trout Unlimited, lots of other folks that we deal with as well.

Anita – Can you name one of them who are actively working on staff within our county to actually engage in writing and implementing public policy? How many members from Sierra Club lobbying groups are actually working within Garfield County, actively writing and engaging with lobbying legislation for Garfield County residents? How many please John?

Chairman Martin – Well, I would say anyone that appeared before us in reference to Bob Mellette...

Anita – How many do you pay on the public payroll to actually write and promote legislation?

Chairman Martin – Anita, the answer is none.

Anita – There are none, how many do we have who are associated with Western Slope Colorado Oil and Gas association, who have been members who are currently now staff hires on our county. How many?

Chairman Martin – None that I'm aware of.

Anita – None that you are aware of. Kirby Wynn liaison.

Chairman Martin – He was a USGS government employee.

Anita – And he also worked for Chevron, correct?

Chairman Martin – I am not aware of that.

Anita – Okay.

Chairman Martin – I'm sure you are and you're going to make sure everybody knows.

Anita – I bet I will. So anyway, gentlemen, I just wanted to say if you want to talk about political affiliations I can assure you right now that the public is watching from the point of American Stewards of Liberty that you hired under a consent agenda and not for public discussion. Other organizations that have ties to American Legislative Exchange Council Affiliates within the oil and gas industry like EnCana and Halliburton. I feel that the relationships are getting a little close.

Commissioner Jankovsky – I think Ms. Sherman you came up here with a group of people when we were talking about American Stewards of Liberty and kept saying they're members...

Anita – Did you pull it off the consent agenda?

Commissioner Jankovsky – Please listen to me...

Anita – Did you pull it off the consent agenda Commissioner?

Commissioner Jankovsky – Please listen to me... Ms. Sherman....do not interrupt me.

Anita – No, no, no, I think you need, Tom to listen to me...

Commissioner Jankovsky – Please listen to me, you keep interrupting me, do not interrupt me... let me finish and then I will let you finish, have some respect for this body and have common respect for the people back and forth, but please listen to me. You came in front of us and you slammed American Stewards of Liberty by saying they have connections to ALEX and they do not have any connections to ALEX. I just find that inappropriate when you come and you say untruths.

Anita – Are they non-profit sir?

Commissioner Jankovsky – American Stewards of Liberty, I'm not sure if they are a non-profit or not.

Anita – So you hired an organization, you're not even sure if it's a non-profit? Where do they get their funding sir?

Commissioner Jankovsky – They are American Stewards of Liberty and work with different government entities all over the United States including many in California that are...

Anita – They work with government entities but where do they get their funding sir.

Commissioner Jankovsky – They bill as consultants.

Anita – So do you know all of their records, where they receive their funding, through and through? Can you say without a shadow of a doubt that there has been no money distributed from American Legislative Exchange Council to American Stewards of Liberty?

Commissioner Jankovsky – I believe she, Margaret Byfield was in front of us and stated they had no connections to ALEX and had received no money.

Anita – There is a difference between connections and being funded by Mr. Jankovsky. I have no further questions.

Commissioner Jankovsky – I do have some questions of you, Ms. Sherman....

Anita – Have a nice day sir.

Commissioner Jankovsky – I would like it to be on the record that Ms. Sherman is the chair of Alex Briedis Democratic group so she is the chair of somebody that's running against Mike Samson and the chair of Alex Briedis campaign committee and so she represents somebody who is running against one of the Commissioners here and that she is also a chair of the executive committee of the Democratic Party, which is fine but when she comes up and talks to us, that has to be put into perspective as well, that she is providing a perspective, we provide a perspective and that's part of the local process is being able to be heard and be heard, at the same time she needs to state that when she gets up and talks to us as to what her affiliation is and that she is working as a lobbyist as well.

Chairman Martin – Okay, that's freedom of speech and we protect freedom of speech. We're not trying to de-slant it in anyway. We hope that people are willing to come forward and we will listen. We're in a position when it's an issue before the board, we really can't take too much other than listen when it's not on the agenda. So you have a question, please come forward and be identified.

### **Waste Disposal MIR Application**

Patricia Phelan, 238 Rose Lane – And as I just understood it, we will be not have an opportunity for about a 3-minute comment today on the Waste Transfer station.–

Chairman Martin – Right, because what it is there is a scheduled public hearing for next Monday and we want all of the testimony to be in that public hearing after notification, opening the public hearing so we can make either comments, ask questions, etc. At the present we are not able to do so, that's the procedure we have and we want to make sure the procedure is upheld. We encourage everyone please, don't take this as a delay, we encourage everyone to be at our meeting Monday next week for the hearing and again it's a noticed public hearing, the applicant has the right to hear everything and all its concerns and so it would again out of order. I know it's a passionate issue, I know that everybody wants to speak on that but I have to frame it in the right time period so we can consider it.

Patricia P. – One more question. What time will the public be invited to the site tour today with the Commissioners meeting here at City Hall?

Chairman Martin – The site tour, Counsel, after this meeting...

Carey – Yes, because of the convenience of the Commissioners already being in Carbondale today and because of the manner in which we treat these traveling meetings as a rolling docket, it will occur immediately at the conclusion of our regular business today. At that point the public would be welcome to accompany the Board on the site visit.

Patricia – May I submit on paper to be in the packet...photographs as well with dated.

Chairman Marin – Yes, you may, those are the exhibits that we will need to do and identify for the public record so we can refer to those and we have had numerous emails that we have forwarded to the planning department and they will identify and place all of those on the docket and copies will be given to the applicant as well as to

the Board of County Commissioners. You can see how all that information is important and that's why we try to keep it in...

Patricia – May I had these in today.

Chairman Martin – You may, we'll accept those and those will be forwarded to the planning department and if there are any questions they will call for clarification.

Herb Feiszig – I live here in Carbondale, I just had a question as to what time on Monday of next week this meeting will begin since you've announced there will be a meeting, what time it would be.

Chairman Martin – The noticed public hearing starts at, well we actually open the meetings where public hearings at 1:00 p.m. then that fall within line if there is more than one, and then it depends on where it is on the schedule. We will open up public hearings starting at 1:00 p.m. in Glenwood Springs.

Royal Layborn – I want to thank the Commissioners for coming to Carbondale this morning and also to allow us the opportunity to get a chance to speak face-to-face with you about some important community issues that we feel. That's why we have this opportunity while you're here in person so you can see the constituents and understand what our concerns and have a change to share some ideas. Because you're here and because you're doing a site visits down on the load out on Catherine Store Road and I am a taxpayer, registered voter and land owner off the Catherine Store Road, I want to take the opportunity while you're here to be able to share some of my are in our community so I want to take the opportunity at this time to express my concerns about this issue.

Chairman Martin – Again, if I let you, then I have to let everyone and I want it all on public record so that we can refer to that testimony in the proper vein and use that as we always do in reference to making our decision. It would be out of order if I allow you to, if you can put it down on paper...

Royal L. - It's not out of order sir.

Chairman Martin – In the procedure it would be...

Royal L. – I'm not on the agenda but I've come to the meeting at a certain time and I've asked you to appreciate that you would give me the time to speak out about some of the issues. I have a ranch down there, my family owes it, there's livestock down there, there's gardens there and residents, there's a water table that's an issue and it's a road we access almost on a daily basis and these are things while you're here in our community, you're going to go over there and go to the site tour, I'm taking the time from my day, taking time off from my job, I'll take time off next week and I would like to please allow me to speak and I'll be happy to come back on Monday in Glenwood as well because it's a critical issue here in our community and just to stifle the debate is not democratic.

Commissioner Jankovsky – I think you get into a situation where you compromise us if we start listening right now, I have to refer to counsel on that but I think you compromise us and compromise the whole discussion next Monday if you start giving testimony now.

Royal L. – It's an open comment; why is that compromising anything? Why is that compromising anything?

Chairman Martin – I understand your passion, let's listen to the explanation if we could, counsel.

Audience – We cannot hear you. If this is being recorded then you need to speak up.

Chairman Martin – Why it's difficult but I know what you're feeling; I really do but Carey if you would....

Carey – So although this is a matter of general public concern, we are dealing with an application that is pending before the Board of County Commissioners on a land use matter, there are certain procedures that have to be followed in order to protect the integrity of the Commissioners ultimate decision. One of the problems is guarding against ex-parte communications and so what you are requesting while general comments if they are specifically directed to this application, those are ex-parte communications and could lead to an overturning of a decision one way or another once the Board makes it. So, we would request than you respect the procedure that the Commissioners have to go through, which is they will open the public hearing next Monday at 1:00 p.m. in Glenwood Springs, they will allow the applicant to present the request that is pending and after the applicant has a change to explain what the application is, then all of the public will have an opportunity to comment. That is the venue for the healthy debate that you are seeking. The Commissioners will allow all of the time necessary to make sure your comments are heard, if you have something that you would like to submit in advance of the hearing, you may do so in written form and that will get to the Commissioners as well as part of the written record that they are able to review in advance of the hearing, but at the same time, it is critical that we respect the specific timing and guard against any potential procedural hiccups by not taking testimony in the right order.

Drew – Mr. Chairman, along the same lines, the site visit scheduled for today also has procedural controls; and I'd ask counsel to explain what will or will not be part of the site visit today. I will give you my laypersons understanding having attended site visits. The questions about the site visit are to effectively present a piece of evidence to the Commissioners, the site itself. So the questions are limited to the site itself is my understanding by I defer to the counsel for a more complete explanation.

Carey – Thanks, so the site visit today really is exactly as your county manager, Andrew Gorgey has stated, it is a chance for the Commissioners to physically see the site. It not an opportunity for either the applicant or any concerned citizens to present opinion testimony. So the Commissioners will be able to ask questions regarding is this the only access, how wide is it, what is the speed limit entering this particular site. They can ask things that are factual in nature and that information can either be provided by staff or it can be provided by the applicant. But anything that would be an opinion in nature something to the effect of this will or will not impact air quality that is opinion testimony and won't be taken by the Commissioners until next Monday.

Royal L. – Well I think the fact of the matter is there will be representatives of the applicant on site, they're going to be talking and walking directly with you and answering your questions, so they get the chance to present their side of the factual aspects of the proposal.

Chairman Martin – No they don't. We have to frame any question to the factual basis as explained and the attorney will be present, the public is present and the applicant too. That is in hopes that we will preserve the process. We're not trying to hide anything, we just going to ask specific questions if there are any or just physically look at the site without asking any questions. That way everyone knows what the site is physically, how it lays out and can ask questions in the proper venue, which will be the public hearing

on what they saw. Again, it is not to sway one way or the other, it's not to take on-site testimony from the applicant or give them an upper hand in any way, or to muffle or to mute the public, that is not that either. They are still invited but they have to also respect the process. That's all we're asking. We feel it's so important that we need to come down here and actually physically see the layout for ourselves and if there are any technical questions such as the counsel said, how wide is this, we have those answers. That is not to get into debate or to make a decision.

Royal L. I think there may be a feeling of the community that's here that's it is a stifling of the debate. But to a different not, if I may I would like to describe to you over the course of the 10 years the level of infrastructure both public and private in the corridor from Hwy 82 down Catherine Store, Snowmass Drive to Hwy 133 and we're talking about the Waldorf School, Kingdom Hall Church, Lions Ridge, Preshanna Farms, Blue Creek Subdivision, St. Finnbar's and millions of dollars of development along Rose Lane, Willow Lane, Blue Heron Lane, Main Street in Carbondale, Rio Grande Bike Path, the grade school, pre-school, Church of Carbondale, entrance to River Valley Ranch, over the last 10 years along this corridor has been substantial both public and private investments that may total \$100 million dollars. I would highly suggest to you Commissioners to take a serious look at traveling that corridor and then trying to recognize what this community has invested along that corridor. Any applicant that is the heart of that affects all those things and the majority of what we're talking about is the transfer of garbage. The corridor needs to be part of your review.

Chairman Martin – Yes, it is and there's also a traffic study and everything that goes along with that and comments will be taken on those issues, how it affects everyone but I just can't get into those details. It would be out of order to take comments and I don't want to compromise that so we can make a fair and just decision.

Royal – You are recommending to all these folks attending this meeting today to put their comments in writing and to present them so they are inside the meeting packet you're your consideration. Then attend the meeting and we would be able to follow-up on our written comment.

Chairman Martin said absolutely, that's the process. We encourage everyone to do so.

Royal – We'll see you at the site tour.

Chuck Cole – 2321 CR 100. I'll stay away from specific issues and I can talk to Andy about whether the applicant follows the rules today but what I want to direct here is John you and I had a fairly lengthy conversation Friday night prior to you helping me spend some money at Windwalkers. A comment you made there was when I made a statement about respecting the Town of Carbondale, your answer was directed at how Glenwood Springs and Carbondale had gotten together and came up with a mutual growth or commercial growth or however they want to see the area growing and from the impression I got from you, Carbondale hasn't held up their end of the deal.

Chairman Martin – They haven't developed the same amount of square footage under commercial development as they said within the study they jointed with Glenwood Springs.

Chuck – What may concern is it came across to me that what you were saying is we're not going to honor Carbondale's wishes as a payback for them not to take this on. I think if you have an issue with these governments and what agreements they make, it's time for the three governments to get together and put that plan in place.

Chairman Martin – I would say that was misunderstanding, what it amounts to is they put a study together, they had a timeline to the study and that has not transpired. Does it mean it prejudices me against Carbondale/Glenwood Springs, the answer is no it does not. It just means they need to also do what they say and that is to develop commercial. I love both towns. That's what they want to do and it's difficult to do so and those decisions come on a case-by-case basis. It's difficult to do those but they need to do that to keep their tax base to stay alive as a community and to keep their citizens happy and pay for the recreation department and pay for all the other things that go on. I expect to hear testimony from you at that public hearing.

Commissioner Jankovsky – If there is going to be any more testimony on the waste transfer plant I am going to have to excuse myself or ask that it be postponed for a while because we can't do this. We literally cannot do this as any decision we make will not be held valid one way or the other and so I really urge people not to get up in front of us at this time and try to have a discussion about an application that's in front of us.

Chairman Martin – Again, counsel is giving us warning as well. I'm going to say I can't take any more testimony or whatever in reference to this.

Audience – What is the time frame for getting testimony to you?

Chairman Martin – You can actually present them at the public hearing, as long as we going ahead and distribute all that information to the proper ones, which is also the applicant because they have a right to have all exhibits and we will distribute those as long as you bring them and also listen to testimony. You can do it right to moment of testimony.

Commissioner Jankovsky – I do have one request and that is if anybody is sending emails to the Commissioner is you would get those to us by Friday because we usually don't have an opportunity to review them Monday morning prior to the meeting as our meeting starts at 8:00 a.m. If it doesn't get to us by Friday, then be here Monday so you can give testimony at that time.

Elizabeth Mack – A procedural question, I think a lot of us who are here today may not be able to make the meeting on Monday so can we call in.

Chairman Martin – We do not have a call in but we do have email and if you're able to go to a computer you can also sent that information to the Planning Department, Fred Jarman but we have to have it when we open the public hearing.

Drew – We don't have the capability at present, but all of these comments collectively are trying to protect your right to tell the Commissioner everything that you came here today whether written, in person or both. Although Commissioner Jankovsky requested your emails to the Commissioners no later than Friday morning, I would suggest getting whatever visual evidence or written evidence that you want in to the Building and Planning Department as soon as you can. If you have it today, we have already received some photographs and some things in writing today. If you want to send that to Building and Planning so that it becomes part of the staff report that all sides review, those reports are assembled on Wednesday and distributed on Thursday to the Commissioners can receive them. I'm telling you there is a Wednesday deadline to have that information in the packet. It is very important that you understand that the directions the Commissioners have given you is to protect your right to comment, there's no limit whatsoever. I understand that everyone than came today feels very passionately about these issues and I'm sure there's some pro and con in here today



but it would be basically like asking a judge or a jury to listen to everything that you have to say outside of the courtroom or outside the jury deliberation room. These due process protections are there to make sure that everyone sees the same thing in the same way at the same time so that you as a group are not presenting something to the Commissioners that the applicants cannot hear and likewise that the applicants are not presenting anything to the Commissioners that you can't hear. This hearing is scheduled for Monday, September 17, 2012 and the docket starts at 1:00 p.m.

Thompson Divide

Katrina Byers – I do not represent any group and I'm not affiliated with any party, I don't have a comment about the waste facility. I came to comment on the natural gas development on the Thompson Divide and I would love it if the Commissioners initiated a public health registry in Garfield County so the increasing data of negative health impact is regularly measured and input such as in Pennsylvania so we can get a real assessment of how natural gas is affecting the health of the citizens. This would include everything from asthma to skin lesions to all kinds of toxics chemicals including Nero toxics and cacogenics. What I would like to see is a moratorium on natural gas drilling until we have these answers of what the health and environmental impact is going to be. Chairman Martin – We don't have that authority to do a moratorium but I understand the Saccomonto Institute that we've hired has done some of that and the health study also stepped that up and now we're doing a 3-year study with those folks to answer all of those questions as well as we went into baseline monitoring for water, soil and air, we're the first county in the state and the state doesn't even have it which is an air monitoring and testing program as well as we have 7.5 years of information in reference to air, soil and water and you can get that on line in reference to oil and gas issues and it's still a baseline study in Roaring Fork Valley going on right now and information gathering at CRMS. They have a monitoring station taking information on a daily basis. We're very much in tune to what you are asking and we are doing that and that is not secret information but it is available on the website and on request of the health and environmental folks in Garfield County as they are employees and that information is public. We will direct you and yes we understand that's very important.

Katrina – Who would have the authority to shut down natural gas drilling in our area?

Chairman Martin – Colorado State Government and also BLM, and the Department of Interior. The Treasury Department of the US is the big dogs in reference who are going with oil and gas development permitting process. The County does not issue permits to drill oil and gas. We don't have the authority to do so.

Katrina – What was your role in allowing or cooperating with natural gas, what does natural gas have to do with the County Commissioners – nothing.

Chairman Martin – We have land use issues, impact, etc and we monitor air, water and soil, we do that for the safety of everyone, traffic is the issue, buildings, pipelines, ancillary items off site not within the drill pad or the development of that issue, and some temporary housing, there's a multiple of items and we have industrial standards built into our land use regulations and there is a handout that the building departments have in working you way trough oil and gas regulations in the County and it outlines what is covered with state, federal and Garfield County.

Katrina – One last comment – last year I had the opportunity to meet with the environmental director of EnCana in a focus group for clean air quality and he said off

the record that the worst nightmare for EnCana is for them to seize the kind of regulations they have in Jefferson County. So what I would like to see is more strict regulations than in Jefferson County and Garfield County and at a certain point it would no longer be profitable for them to drill here if they had to follow these kinds of regulations.

Chairman Martin – I think you're being mislead just a little bit, the land use regulations in Jefferson County but they do not control the development of oil and gas now they can be difficult to deal with and Gunnison has just entered into an agreement with the Oil and Gas Conservation Commission and at their expense they are getting state trained inspectors however, those inspectors can only look and report, they cannot enforce or issue violations, only the State of Colorado can do that. Again, there are many other approaches and the fees go to Community Development. In Garfield County we don't have an impact fee per se but we do have agreements that they will pay into Road and Bridge issues, take care of dust problems and then there's also the ad valorem tax as well as the severance tax and the business personal property tax and so at that point that where the county gets involved and about 76 cents of every dollar collected in taxes comes from energy development which is distributed to the municipalities, schools, etc. The county gets the smallest share based on 13.655 mills.

Katrina – Can we create an impact fee in Garfield County?

Chairman Martin – You can but there are pros and cons on that in reference to what is expected because a proportional share is all you can do and then you're obligated to do the rest based on the agreement and what is going to take place. There a lot of ins and outs about impact fees. We can have that conservation off line and I can give you the direction where you need to go to get your other information.

Commissioner Jankovsky – I think people look at me and go well here's a guy who came out of tourism why does he support oil and gas in many situations. I do and that's because I ran on a platform and I support jobs and our economy. I think when you have an anti oil and gas position, that's great but you need to go to Rifle and talk to a family who's a family who's making a living on oil and gas and they're individuals that love this county as much as you do and have a desire for quality of life etc as well and I think there's a whole different perspective and you need to have that from both sides of the issue. I will go back to what John said, Colorado Oil and Gas Conservation Commission (COGCC) is the one that regulates drilling here in Garfield County. Now we can look at haul roads etc and see what direction and see what routes the oil and gas companies use and things like that, but when it comes right down to the actual drilling that is the COGCC. I would encourage you and I get concerned that we are so polarized and people can't come to the middle and talk to both sides and understand maybe when you go into Rifle and you drive through their industrial area and look at all the businesses there and how they are making their living. I do understand the beauty of this area and how important it is that we have that beauty continues and we have good air, water and health but I think there is a compromise that needs to be understood.

Katrina – I do appreciate that and I have a family member that works in the fields in Rifle, he maintains the pipelines and he's provided a hard hat to work with fracking fluids and I have concerns in the job safety and health but I appreciate that comment.

Chairman Martin – There is another one that something to do with that and its call OSHA and OSHA is a federal agency that oversees safety. Those are the things we

need to educate each other on as to who is in charge of what and we try to do that throughout handout an identifying those regulations.

Waste Transfer Station

Eric Mitchell – When is the actual vote for the waste transfer station?

Chairman Martin – At the conclusion of the public hearing and however long it takes; there's been no predetermined decision.

Herb – This question is for the council, my understanding that the rules of Garfield County require an independent study on the environmental impact of the health study done by an effective organization of the P&Z Commission, is that true and if it is where would I find the requirements of the study.

Carey – So the land use code does require the applicant submit an environmental study, it is not an independent study that is commissioned by the Building and Planning Department, is it part of the submittal requirement of the applicant who is required to comply with. A copy of what they have submitted and what would be included in that study is available in the Building and Planning Department currently and you will see a complete application posted on the Garfield County website as well in association with the agenda for Monday.

Herb – That year when this same group applied there was some discretion about there being a Stage 1 or 3 evaluation done by the P&Z Commission. This is a year later and I don't remember what that discussion was at the time but I remember the Commissioners saying it was a Class 1 Study. Nothing was done with those issues in turning down the application. Can you help me understand what happened at the time?

Carey – To put this in historic perspective, I believe what you're referring to is the last time we had an application regarding this particular site, it was not specifically for a use, at that time it was a request to amend the text of the land use code to determine the level of review of a recycling or a waste transfer station would be subject to, so we have different levels of review for different land uses. We have an administration level review, that's for uses that don't have as much as impact and those are reviewed only by staff and then by the Board of County Commissioners in event of a call up. We have a limited impact review which is a review that goes through the Building and Planning Department through staff and ultimate receives one public hearing before the BOCC. The highest level of review is a major impact review and that has where the planning commission and then a second hearing before the Board of County Commissioners. The application previously was just to determine the level of review the application was for. At that time the Commissioners only determined it would be a limited impact review which is why the first hearing on this matter would be before the Board next Monday. There has been no application yet for the use; this will be the first time the use itself is being considered by the Board.

Chairman Martin – First and only time and remember it was a text amendment and a decision of level of review, not an individual application for the transfer station on a specific site. Remember that the text amendment and the process applies to the proper zoning districts within the entire county not just site specific Carbondale. Remember that the first meeting was everything within the county.

Carey – Two more points, you had a question regarding if it was possible to participate remotely, we cannot take public comment remotely, all of the Board's meetings are streamed live on the web when they occur in the Garfield County at the Glenwood

Springs site so even if you can't attend you would be able to watch the meeting through a live web stream, the second point if you do have written comments ultimately the person responsible with channeling all the information necessary on this application to the Board, so if you have comments that you would like to submit by email, I would like to give you the email address so you can do that directly. [ghartmann@garfield-county.com](mailto:ghartmann@garfield-county.com). Glenn is responsible for ultimately ensuring the public record contains all the comments. If you have them in person hand them in to Glenn.

Carol Bruno – A lot of the people want to also visit the site with you and maybe it should be since we've had so much confusion about where they stand and what they can do today, maybe you could explain the site visit.

Carey said this is a very important point, you can be the eyes and ears and if you have concerns please make a mental note. This site visit is just to understand where this is located and how it is in relation to the County. The applicant cannot explain and the Board runs the site visit. The questions are limited to factually support such as square footage of the building, where trucks turn around, etc. This could be a very quiet trip. We do not want to compromise the situation. Site visits are not unique to Garfield County.

Jim Finch asked what the mode of transportation would be.

Chairman Martin indicated everyone is on their own to get to the site.

Jim asked if he could use a 4-wheeler.

Chris Peevy, who lives on Willow Lane, asked a procedural concern to help him understand opinions given coffee or on the street corner in Carbondale versus we're all sitting here and sharing his opinion with you in terms of the procedural process which I totally respect and understand?

Chairman Martin – Two things, did I prejudice myself or did I compromise my ability to vote, did I make a predetermined decision or did I make comment in reference to a previous application that has nothing to do with this particular site visit or application.

Those are the challenges I am always subject to, making a comment as an elected or public official is extremely guarded, one clarification, did I give up my rights as a citizen to become a public official and that's the issue that you're weighing right now and that's you political science questions. Did I or did I not?

Commissioner Jankovsky asked Carey to answer that question. I think we are somewhat limited in ....

Carey – In an ideal world, I would tell the commissioners that once an application is filed with the Building and Planning Department they would no longer have conversation with any citizens regarding the specifics of that application. Recognizing that they are public figures and are out on the streets, sometimes discussion head in that direction. The significant difference is that when you are talking to one commissioner, you are talking to a commissioner and you're not talking to the Board of County Commissioners. When the application comes before the Board it comes as a selective and they stay in selective in judgment on the request being made and so although I would encourage them strongly to avoid any sort of conversation over coffee or otherwise, once an application comes in, if there is some exchange that occurs, then the ultimate question is does it prejudice them. You can help me out by not trying to engage the Commissioners on anything concerning this matter before it comes to them collectively.

Chris – Since we go shut down on the opportunity to speak with you directly here today, you would also use the same restraint amongst yourselves out in the public. To live to the letter of what you counsel suggested.

Chairman Martin – I understand and it adds to the frustration to the public as well as to this body as well as individuals. You have to strike that compromise and you do have to walk that razor's edge in being part of the community and knowing most folks for 40-years they are going to come and talk to me on any subject no matter what. I'm fairly approachable and I do listen. I'm not making decisions at that time.

Chris – I would ask you to walk as tight as you can.

Chairman Martin – I try to, I don't shut people down simply because they wish to go ahead and express a point of view I will listen to all points of view. Put your comments in writing and we'll be at the hearing at 1:00 p.m. in Glenwood Springs.

### **Regular Work Session**

#### **County Treasurer Update**

#### **Investment Advisory Board**

Georgia Chamberlain submitted the semi-annual report. Those present were Jay Rickstrew Regional President with Alpine Bank in the Colorado River Valley, Ann Driggers and Ian Exulhert CEO of Glenwood Insurance Agency. Mark McClure submitted a packet of information from our investment advisory as well as a cash flow analysis from Ann Driggers and a recap of our securities we have with Cutwater and then our financial statements.

Jay – There's a recommendation to use Cutwater who is our asset investment and investment advisory that they county uses to help us determine somewhat to do with the excess funds. I will start by saying congratulations to the Commissioners and staff Georgia and previous administration and County Commissioners because we are in a unique situation in Garfield County as some other counties have not been as fortunate in the downturn as what we have with what I would call conservative planning and those types of things. The bottom line is there is roughly \$148,000,000 to \$150,000,000 million in excess cash or money sitting unencumbered at this moment within the county and what we're here to discuss with you today is really about how the investment advisory board would like to help Georgia invest those funds going forward. Right now there's about \$93,000,000 in cash balances, about \$56,000,000 roughly in investments and those are highly regulated investments based on the fact that it's taxpayers money. There is nothing real risky in those and I think there is a list of what those are. There's about \$39,000,000 of that \$56,000,000 that's coming due for maturities in a short period of time. We would like to recommend today is basically recommend what Cutwater has recommended and that is to reinvest that \$39,000,000 in similar type securities and then actually invest another \$30,000,000 which would leave cash balances of about 43% of current cash available in cash type investments which in today's interest environment is next to nothing as far as internally. That's where we're at and I think the important thing that I want to stress is that we wouldn't be recommending going out there and investing \$39,000,000 plus the other \$29,000,000 tomorrow. It would be average them where you do so much per month and what's important is making sure that as the Commissioners are doing their long range planning we can look at maturities and say you're looking at doing x in 6-months and then you either have the cash

balances available because there's going to be significant balances or as those maturities come up you don't reinvest those and leave them as cash. We asked Cutwater to let us know what other counties that they help manage the investments what they typically see in cash balances available by the counties. That around the 24% to 25% range in cash, we would still be at 43%, and I think their number is quite a bit less than what ours is.

Mike added is Ann did a great job of going through an in-depth cash flow analysis which was presented so there were numerous meetings, the cash flow analysis to really look at the ends and outs of cash in the county and to keep a conservative look at that and what Cutwater is recommending and the Board is also recommending that would result in about a .4% increase in yield age about a \$116,000 so investing a little bit more of that and hopefully a nice return for the county.

Chairman Martin – That also meets our capital projects plan and also our strategic planning etc up-to-date and also participating any expenditures and you have plenty of cash on hand in reference to our daily business now and any emergency in percentage. That's what we look at. We don't want to go out and borrow money. We don't want to jeopardize again the return we have in the investments simply because we are short of cash and we should anticipate that. That's why you're there and the team is working.

Jay – That's why we stress one laddering and the other thing is laddering so you have maturities coming forward and we stress that to Cutwater to make sure they understand. He and I have cautioned against going out and investing on a long term basis with interest rates at a historical low, it's not a great time to lock in your money for a long period of time. That's why it's only a .4%, you can get more than that but then you're locking up county funds much longer than what we feel like is prudent. None of us have a crystal ball but there's really only one direction you can go right now and it's not down at the bottom, we're low.

Chairman Martin – In interest rates, not financially but we've down at the bottom actually and we don't want to be there again.

Jay – This would allow the county to generate some more revenue and hopefully the interest rate will continue to have that investment strategic potentially to higher returns.

Commissioner Jankovsky – I would like to hear from Ann to reiterate what these gentlemen have said and give us good level of comfort.

Ann – Yes, I think it's very important obviously that we feel comfortable that we have adequate cash on hand to pay for our expenditures at any point in time. In order to really to make sure we are going with the recommending situation that we would be able to do that. I looked in some detail about our cash flow both in the past and then projecting that out for the future. In 2011 as you know was our typical year and what we see here in the county is that we are bringing in more money that we're expending. The last 6-months is when we have our biggest expenditures take a break and come back around, cash balances typically run down at the end of the year as big construction projects are going to be expended. In 2011 was a typical year, 2012 using our budgeted cash flow is a slightly different story. We paid off the Certificates of Participation (COPS) in April and the second one was in September so we have seen larger outflows that we would not ordinarily see and also some construction projects as well. Even in 2012 with the largest expenditure you will see you have more than \$30,000,000 in cash at any point in time and what the Investment Advisory Board has recommended would still

leave us at \$63,000,000 in cash. I think that puts in a very good position to be able to adequate liquidly for the county to operate even in a normal year.

Chairman Martin – Have you calculated the liquidly rate that we stand based upon the payment of the COPS and everything else?

Ann – The liquidly rate, I have not looked at it since we paid the COPS. We are 3 to 1 is where we're at so we have three times as many assets as we have expenditures.

Drew – I wanted for the public put this proposal into context that the county's larger economic development strategy the county initiated procurement services for both banking services and investment advisory services as well as custodial banking services in late 2011 and 2012. The county has reviewed its investment policy two times in that time frame as well. The second time was to bring the investment policy into conformity with statutory changes. As a result of that work, the investment advisory board was formed to give these commissioners and really for those whom they work the public current information and regular information about how the people's money is invested, what it's invested in, how that is performing and whether or not there are any decisions that could be made that would maximize the return without incurrent or increasing risk in any significant way. That's what's happening today. So to summarize the proposal, it is effectively to reallocate certain of the county's resources from cash to statutorily protected and defined investments, that sum would be \$30,000,000 and approximately and the expected return annually would be \$116,000. If you are accepting of that proposal you would still have more than twice what you could possibly need for cash on hand and indeed double what the average county would have in its reserves. I know this is an incredibly important issue to the Chairman and to all the Commissioners that we always be prepared for every eventuality to take care of emergencies to take advantage of certain opportunities and a member of the investment advisory board myself and as your county manager I think we're fully consistent with all those goals and I would encourage you to give the go ahead for this next step.

Commissioner Jankovsky – That's in addition to the \$30,000,000 in our current investments. What are our current investments generating annually in interest income?

Georgia – I just put it in the budget but the numbers but hopefully we will earn about \$800,000 in interest income.

Commissioner Jankovsky – If we add \$30,000,000 to then that would give us close to \$900,000 or \$1,000,000. It's amazing what interest rates talking about such big numbers to generate.

Jay – That's why we're really caution about any investment vehicle that Cutwater would recommend out past 2015. Everything we are seeing is predicting low interest rates through 2015 so we want to protect the county so when that upside starts to hit, we're prepared to be able to role those investments at that point into higher earning assets if that goes up. We could get more but I think you're taking too much risk by going out too long.

Chairman Martin – I agree I think the fed has made it quite clear that they're not going to raise anything after 2015. I think they made that perfectly clear and they not budging on that decision as well. \$900,000 to \$1,000,000 return back to the citizens so we can go ahead and continue our investment and compound that until things turn around financially in the United States. Again, don't get us in a corner where we're ending up borrowing money simply because the interest rate is just the opposite on borrowed

money. Georgia, did you have anything else on this recommendation that you wish us to consider.

Georgia – On the recap of securities held the cash equivalence I wanted to go over that briefly. We have money at Alpine Bank that's where we do all our warrants and daily depositions and then we have investments in local government investment pools, CSAVE and Colorado Trust and also in money market funds with Alpine Asset Trust and Management which is federated prime and Wells Fargo. When its cash and equivalence it's more in equivalence than it is in just cash. All of these are highly liquid, you can ask for the money and get it the same day.

Chairman Martin – That was the other thing – 24 hour notice or something like that in reference to the millions of dollars you might need and it gives you a certain timeline.

Georgia is always on top of that and I appreciate it.

Georgia – I appreciate the expertise that is on this board and I think as Jay pointed out in the beginning, we're in uncharted territory as far as the economic times and with the amount of money that Garfield County has I think this is a good approach to overseeing our investments.

### **Motion**

Commissioner Jankovsky – I will make a motion that we accept the investment advisory board's presentation and that we add and invest \$30,000,000 to our present investments to Cutwater and the portfolio.

Commissioner Samson – Second.

### **Discussion**

Commissioner Jankovsky – I do have one think and you know you mentioned this earlier but the money we have right now does come from our numerous areas but our property tax in particular 80% of that money now is coming from oil and gas production on the taxes we have on the gas as it flows through the pipes. I know oftentimes there's discussion about oil and gas but it is very important for our county as well as jobs.

Chairman Martin – A good example of that is CMC from our luncheon in 1997 the Board approved, CMC received \$1,600,000 in all property taxes based on the assessed valuation of less than \$1 billion dollars which \$500 plus million and today just CMC receives \$13 million in assessed valuation from property tax to run CMC. It amplifies throughout all those special districts as well as every municipality that has a mill levy etc and so it has been a blessing and also a curse. We have all the challenges in place and we have remove ourselves from that politics and invest well for the future and to make sure the decisions are being made easier for those who follow us in one way or the other and also those who are trying to make things happen. Yes, and it also gives credence to any kind of capital improvements and any kind of strategic planning. So we know how we're going and how we're going to get there.

Commissioner Samson – It's the best thing for the county, its good financial advice and I commend you for the work that you're doing and to me it's a no brainer.

In favor: Jankovsky – aye Martin – aye Samson – aye

### **Semi Annual Financial Statement**

Georgia Chamberlain submitted the semiannual financial statement with a request of the Board to request her to publish it. There is a glitch in the report due to the software we need to get perfected. I would like to bring this back on the consent agenda when it



is corrected. She is working with the software company to get this report perfected and we thought we had and I think when software companies do updates some of the corrections made goes back to the old way.

Commissioner Jankovsky – This is just a report on how all funds are allocated, we have Garfield County District RE1 – District RE 16 etc. that's where funds have been collected from property tax and then sent on to those districts.

Georgia – With all the district starting with 107 the Town of Carbondale and almost all the way to the bottom those are the taxing authorities that I collect the money for so the reports are done by the end of the month but whatever their balance is at the end of the month, I distribute to them on the 10<sup>th</sup> of the month so that money is not really Garfield County's at the time. We're a pass through agency.

Chairman Martin – We still have to account for it and go through the audit to make sure Georgia has made a good job of redistributing that particular fund.

Commissioner Samson had a question, you may not be able to answer this but I'm looking at oil and gas 135, \$23 million with change and it says disbursements of \$517,000 what was that for?

Georgia – That was the City of Rifle. Ann Driggers would be able to answer that.

Chairman Martin – That's where we assisted them in the infrasturure and that's where the money came from.

Commissioner Jankovsky – I have a question on delinquent taxes some places there are parenthesis and other places not, what is the difference between those? Are the parenthesis credits?

Georgia – They are a negative number so they would be subtracted. Delinquent taxes are included the way this software company does their reporting, if there was an abatement of a refund for prior years, that's included in delinquent taxes as we have collections; I would collect for delinquent taxes.

Commissioner Jankovsky – So in parenthesis, those are taxes that are delinquent and outstanding if they are not in parenthesis those are taxes where you might have an abatement of something. You look at the Town of Carbondale and there's \$304.00 that are not in parenthesis so they received an additional \$304.00 from delinquent taxes.

Georgia – They were collected and then abatement was generated so we had to give the money back to the taxpayer. This 6-month report is as of July 30, 2012 and I'm sure you're curious on how things have gone since July to now, and as you can see our balance on page 4 is \$172,900,000 plus at the end of June and at the end of July it's \$155,000,000 and the same in August. In September after we've paid the COPS off that is \$137,700,000 and so whereas the capital fund on the 6-month report has over \$12,000,000 after we paid off the capital it would be down to \$3,000,000. Another thing to point out is on page 4 the undistributed income and it's 2239 on the left that fund, I wanted to explain. The way the law reads is that any prior year taxes collected during any given year on oil and gas due to underreporting of the selling price or the quantity of oil and gas sold that when collected the money I will place it in escrow and I will appropriate it during the January of the subsequent year. That is the oil and gas money that Sean in the Assessor's office has been working on with the auditors. On our July 30<sup>th</sup> report we collected over \$2 million dollars and by the end of August we had collected over \$3 million dollars so that money will be distributed not only to Garfield County but all the taxing authorities within the districts that those property taxes are for.

Those would be distributed with the January 10<sup>th</sup> distribution. Before I distribute it I will deduct the amount of the cost of the audit.

Chairman Martin – That's the treasurer's fees and in also may play a part not associated with this one and that will be the refund to the energy companies based on the Department of Revenue and the Court ruling. There is also unanticipated revenue that Sean is talking about in reference to what he is doing for clarifications. It is a different issue but there is still a source of unanticipated revenue as well.

Georgia – My gross sales tax collections are on the website, a 5-year and a 10-year report.

Chairman Martin – It shows good information for people to look at.

Commissioner Jankovsky – There are refunds in there, the extreme decrease in last year and maybe this year in refunds from taxes collected in previous years.

Georgia – And our sales tax since we're in the county is affected by the oil and gas industry more so than what happens in the cities.

### **Motion**

Commissioner Samson – I would move that we accept the Treasurer's semiannual report 6-months of 2012 with the additions and corrections that Georgia has outlined to us and that we authorize her to publish this and be in charge of the publication of such and authorize Georgia to sign.

Commissioner Jankovsky – You want that to come through the Consent Agenda for next week or whenever she gets it done.

Commissioner Jankovsky – Second.

In favor: Jankovsky – aye    Martin – aye    Samson – aye

### **Consent Agenda**

Approve Bills

Wire Transfers

Changes to Prior Warrant List

### **Motion**

Commissioner Samson – So moved to accept the Consent Agenda.

Commissioner Jankovsky – Second. Motion carried unanimously.

### **County Manager Update – Andrew Gorgey**

**3ai - Request to Eliminate the Ambulance Licensing fee for EMTAC- Betsy Suerth, Director of Public Works and Facilities, the County's Emergency Manager Chris Bornholdt; Nancy Frizzell and Doug Gerald from EMTAC. Nancy is also from Valley View and Doug is from Glenwood Fire.**

Betsy Suerth – We're here to request the elimination of the ambulance licensing from you from a fee that's gone from EMTAC to Garfield County and Garfield County is the Authority and issues ambulance licenses annual to all ambulances that are operating in Garfield County. The background is Garfield County has previously hired consultants to conduct the ambulance inspections that are the requirement prior to licensing the ambulances. Now that service is actually provided by the volunteers who serve EMTAC so that's taken off the Garfield County's cost and responsibility and then also in the past Garfield County has served as a fiscal agent which we no longer do as well. The sister of EMTAC, the Northwest Colorado RETAC serves as that fiscal agent. The basis for the fee elimination is it was believed in the past those services that Garfield County provided in this process were paid by EMTAC with that \$3,557.00 which was the 2012

fee and that fee has increased by a CPI over many years. So that fee was to cover those services by Garfield County staff and administration. Now there's a minor time investment, I am responsible for presenting the data to you annually for the ambulance licensing's but that's the only time Garfield County spends and I try to keep up with EMTAC is up to as well as Chris Bornholdt who is much more involved in the process of all emergency services. The EMTAC budget is for services to Garfield County, they have about a \$15,000 budget and that \$3500 or so is quite a significant subtraction from that minor budget that they have for their annual services, they do education courses for trauma and EMS professionals and maintain the county's maps, causality trailers and provide injury prevention programs.

Chris – Betsy covered it but to elaborate with that \$15,000 including the payment to the county, we do on some significant EMS providers in the County and handle ambulance licenses but just as importantly we provide some injury prevention in the County. Our project this last year was getting helmets on children and young adults who are skiing. Our money goes into really good areas and projects. That \$3,500 is a significant chunk of our budget that we could be utilizing to further education, further injury prevention in the community which is why we're before you to see if we can get that eliminated.

Nancy F. – I would just second all the information already presented.

Doug – We have those mass casualty trailers and one needs to be upgraded and the county actually owns those. EMTAC is going to take care of that part as well. That \$3500 can really help do that as well keeping that up to date and we can use it when needed.

Chairman Martin – Again we've been associated with RETAC EMTAC since its inception there is an annual appropriation that comes from the State of Colorado for each different area and that money is supposed to go the county to make sure everything is followed, auditing and we're the fiscal agent. That is what the fee was for; Dale Hancock was the one that administered that particular program. Now, I'm hearing that you wish to go ahead and not have Garfield County as the fiscal agent as long it is statutorily allowed, we're okay but there's still a statutory requirement that we still have as the County Government still sign off on the certificates of ambulance services, etc. That does not go away. There's no direct cost in doing that except the Board meeting and we accept the 3<sup>rd</sup> party inspection meaning all the standards that are in the state as outlined in the statutory requirements. Counsel, am I right in my assumptions there that we can allow Northwest RETAC to be the fiscal agent and not the County.

Carey confirmed that was correct.

Chairman Martin – At that point they also stand the audit etc and all the obligations along with that and willing to live up to that. I think that's why we collected it because we used staff time on the audit and what was happening. We are shifting that but again we still have the statutory requirement to certificate ambulance at the end of the year so you can run throughout the next year.

Nancy – We also are here to let you know how we are budgeting and spending that \$2,000.

Chairman Martin – That's kind of like the Communications Authority and the same type of thing, just to tell us where the money is going and you're in balance or in trouble.

Commissioner Jankovsky – When you license ambulances you license private ambulances as well as those that are part of the fire departments.

Chris – Yes.

Commissioner Jankovsky – And I guess and wanted to make sure if we approve this that it doesn't come back and fall in the lap of Garfield County sometime in the future. The future being 5 or 10 years from now. I would like your thoughts.

Betsy – I guess I would say that if there are changes that would be a Commissioners decision by this Board and we would return to you and you could reconsider any costs that might be associated with the change in the process.

Chairman Martin – And if the state decides they are not going to come to the area and the RETAC would have to face that and keep everything going locally. That's the other unknown. Is that going to happen, we don't know. But if it does we would definitely continue need to continue our partnerships and support.

Commissioner Samson asked how many ambulances are we talking about.

Chris - 12 to 15 ambulances and that includes all the fire districts as well as the one private that provides interfaculty transport.

### **Motion**

Commissioner Samson – I would move that we grant the request to eliminate ambulance licensing fees for EMTAC and the Chair to sign.

Commissioner Jankovsky – Second.

Chairman Martin – Hopefully everything works out well and if it doesn't please come back.

In favor: Jankovsky – aye    Martin – aye    Samson – aye

### **3a ii - Consider Funding Assistance of the Town of New Castle Pedestrian Safety Enhancement Project – Jeff Simonson and Greg Russi**

Greg Russi Attorney and Councilman and Jeff Simonson from SGM the Town Engineer were present.

Greg thanked the Board for giving us the time today, just to bring you up to speed on where we are with this project. Previously the County was generous with your time and meeting with us twice in New Castle where we could discuss with you our strategic plan in its infrastructure component. The highest priority now is the traffic safety enhancement program. For the public record, there is at the 105 exist on I-70 a three span bridge that crosses the railroad, the river and I-70. The southern most of those spans is only 24 feet across face to face on the inside of that bridge. There is no formal access for pedestrian and bicycle traffic. We're very concerned that we could be setting up for a serious injury on that southern span and to complicate matters more there is coming shortly to our area the amount of traffic which would collate with 200 to 300 and perhaps as many as 400 new wells in the Garfield Creek Watershed. Under your resolution 2003-113 those haul roads exist and the 105 exit is the designated haul route for that area. We obviously don't resist that but we do want to be prepared for it. We have seen obviously bicycles out on that span and even mothers pushing baby carriages. We're very concerned about setting up a failure where there might be two water trucks passing one another with say bicyclist on one side and a mother pushing a baby carriage on the other and I don't see how we could avoid some type of conflict at that point. Two years ago this became a very high priority in our infrastructures strategic plan. We visited with you twice and in February you gave us a road map and Commissioner Martin I believe your words were that we should pursue parallel avenues

which we've done and we've done successfully and we're back now to talk to about the design, the funding and also to ask you in a few minutes to reserve a line item in your 2013 budget for us.

Jeff – Basically the package in front of us is the package that we went to the Northwest Colorado Transportation Planning Region (TPR). We went to them in July with this package and I got the projects on board and if you recall there are two phased projects, the pedestrian improvements which Greg has spoken about and then we also have the traffic enhancements, which includes Hwy 6/Castle Valley Blvd and the interchange or the spur road is what we call that. You saw what we were presenting to CDOT as far the traffic studies and showed how they identified morning traffic problems trying to get on I-70 and then the evening traffic problems trying to leave I-70 into town. But to date we did receive funding from the Town's general funds and with a grant from a local agency we have proceeded and are able to fund both projects entirely to get this project shovel ready. We anticipate the first project which is the most critical is the pedestrian project trying to get on 2013 April timeframe for a construction start and then in 2014 with our hopeful ability to get some TPR funding we can get the second project started which would be right now with the preliminary design that we've completed, the corridor study and the traffic studies we've completed would be a roundabout at Hwy 6/Castle Valley Blvd. Right of way has been identified, the survey has been identified at this point and we don't anticipate the need for any additional right of way over what exists today for the corridors. The traffic study has been completed and it showed decreased traffic over 2007 – 2009 levels but we anticipate say in 5-years needing a traffic enhancement improvement. We've completed the roundabout preliminary design as well as the pedestrian design and currently we're in review with the state, CDOT Region 3 in Grand Junction so we anticipate changes in that process to occur until we get to final design and final construction. But our project schedule has us completing the design early 2013 and going to bid. At this time, from a funding standpoint there are grant applications that we are actively pursuing right now, the Town still has its general fund commitments and DOLA has come out with another tier 2 application we'll be looking at in December. Commissioner Jankovsky – The pedestrian improvements, what was the budget for that was that \$1.96.

Jeff said that does have some contingencies in there and it does have some CDOT oversight contingency monies in there as well.

Chairman Martin – CDOT insists on that.

Commissioner Jankovsky – That would provide the three pedestrian bridges and walkway or pathway in-between those.

Greg – Basically, from the intersection of Hwy 6 and Castle Valley all the way to the south side of the river with CR 335.

Commissioner Jankovsky – Once again there are no right of way acquisitions, the right of way is owned by CDOT or New Castle.

Greg – The Town.

Chairman Martin – Those are engineer estimates and bid upon procurement costs etc. They can go up or down. We always like you to be generous but we'd like to come in under budget as we have done many times and you have as well.

Greg – For all those reasons that you discussed, we don't have a sum certain for you. We have a request that you would put us in your 2013 budget for a line item as much as

\$1.96 million. However, as Jeff alluded to, we have a grant application with a local agency that's due today. We have a grant application with a state agency that's due in December and then there's a little \$25,000 planning grant that we also will apply for. There has been considerable Town match and the figures to date are that we've spent \$78,000 outside of the \$117,000 match that we have promised on a grant that was awarded in June 30 from a local agency for a total of \$194,000 and then we've also guaranteed a match of up to \$100,000 on a pending grant to be offset by any 3<sup>rd</sup> party contributions from the energy industry. That's another request that you made of us that we've been working on. We plan to continue working aggressively and looking forward to some meetings in the very near future.

Chairman Martin said especially on a haul route. That's the cost of doing business and need to cooperate. We've always used that particular approach and it's been successful.

Greg – That's our argument and any assistance that the Commissioners wanted to give us would be appreciated.

Jeff said our current communications have been positive at this point. It's just getting schedules together.

Commissioner Jankovsky asked the length of that road to the County Road from the bridge to the Town of New Castle.

Jeff said he believes it .8 miles from the bridge to the west past again where the old Bell Homes used to be.

Chairman Martin – I can tell you that it's one of the alligator stops on the pavement and that is the physically location and then the subsidence which is around the corner where the old mine is. We need to talk about that in our engineering in the future.

Greg – I believe that the lower amount of that is \$1.3 million if everything were to break and drop it to the lowest amount.

Chairman Martin – We will look at that one and at least identify some money.

Drew – I just want to tell you that the method of presentation for this project is explanatory; the request even today is not for funds but consideration of some amount of funds to be budgeted in the future. With respect to earmarking this grant request from this municipality would be treated identically to those from other municipalities namely by way of an IGA for infrastructure to be funded from your oil and gas mitigation fund. You received the balance of that fund from the Treasurer a short time ago and you would need to subtract from that the portion that was used to repay the most recent COPs. That said, even after that subtraction something in the order of \$1.3 million is within that fund. Budgeting occurs as you all well know on a statutory schedule, the final approval for the budget and the proposed budget are coming up in December and October respectively and I just appreciate this very much specifically I appreciate the repeated professional presentations to this Board, the diligence in seeking alternative funding sources. I know at least one Commissioner and likely all three very much appreciate the Town's match and the continued commitment to try and find private matches. All of those would be conditions of the IGA for this municipality if the Board chooses to go in that direction just as they are for everyone else. In terms of Town expenditures or matching funds, that is effectively the first money in to the project and after that it would be some sort of reimbursement model to ensure public funds only

after the work is done on this project. It's a very good path and I know you are a Town Counsel and I look forward to working together.

Greg – Gentlemen the \$1.3 that Drew mentioned to be cautious would be the lower amount of those line items it could be upwards of \$1.6 million and we're very diligently pursuing all those other funding options.

Drew – Can the project be phased?

Greg – This is a phase of a three phase project.

Drew asked if this phase could be phased.

Gregg – I don't, that would have to be something we have to work with CDOT on because of the extension interaction that we'll have to deal with going across I-70.

Drew – Just because the economics and the cycles I would recommend as I don't know what amount of funds you would receive from the commission and I would give you the same advice I give everybody which is to precede with caution and if there's a way to do this even this first phase in phases it makes the funding request easier to meet.

Chairman Martin – We've been open to it as you know Greg. I encourage you to go forward as we stand with each municipality with the project like this. We're not going to shut you down right off the bat anyway. We continue to encourage you to come forward, put your fine details down, sit and update us and we'll do the same thing during budget negotiations to let you know where we stand.

Greg – On behalf of New Castle Town Council the commission has been very encouraging and we appreciate it.

Commissioner Jankovsky – Mr. Russi, this is one Commissioners, we have provided some funding this year for the Town of Silt \$1 million dollars and also \$700,000 dollars to the City of Rifle and we'll make it as one Commissioner we'll make a commitment to the Town of New Castle as well but again New Castle will have to have some skin in the game and I know you're budget is tight right now but you're going to have to come up with funds to go into this as well, you can't expect 100% of your requirements to come from Garfield County and other grant entities; New Castle needs to have some dollars in this as well. How I see this, we have maybe one more year where we have fairly strong property taxes but in 2014 I think grants are going to become more difficult to come get through Garfield County because there's probably going to be a decrease in property taxes and I base that on the price of natural gas right now at the wells.

Chairman Martin said we will work with you in every possible way.

### **3a iii and iv both deal with the Airport**

#### **AvTech purchase of private hangar – Chris Pfiefer, Brian Condie**

Drew said he's asked the Airport Director Brian Condie to give information to the Commissioners today and we need more time to review certain aspects of the agreements. We want to make the best use of this for those present.

Chairman Martin – You're not expecting a final decision today.

Drew – No action is being requested, we will see these items again soon.

Brian Condie and Paul Hoffman representing Chris Pfiefer and AvTech LLC presented. We're here today currently in the process of trying to purchase building 2080 which is a relatively new hangar at the Garfield County Airport. We currently own an existing hangar which we've been in since 1997. The current building is zoned as commercial and we'd like to option to possible convert the new building to commercial, currently it is

zoned as a private structure at the Airport. In talking to Brian it really shouldn't be a big factor, we'd like to mold our two facilities together. We're in the process of trying to establish a small Charter 135 operation at the Airport.

Brian - AvTech has been at the Airport for several years operating a commercial operation and they are complying with all of the commercial requirements mostly insurance and keeping their building up to standards. They are coming to us asking for the option of purchasing a private hangar which I outlined in my summary to the Board. A commercial hangar reverts back to the County at the end of the lease. A private hangar does not. A private hangar belongs to that individual and we renegotiate a new lease, sell it, tear it down, and give it to the County if the County wants it at that time. There are several options with a private hangar. In order to purchase this property and convert to commercial there are several changes that would have to go in on that lease. The current leases all have to come before the Commissioners before they can be purchased or transferred so this is an informational session to let you know the process of what's going on and what they are trying to do and bring you up to speed so when it comes before you you've had a week or two to think about it and we do want to encourage and promote business growth at the airport so I'm amenable to this and we have talked to the building and planning department to make sure a private hangar can convert over to commercial hangar and they have given us direction on the building code etc. Their recommendation will be coming or changes have to be made which at this point doesn't look like there will have to be any and then we'll also have the legal review before you for the steps to make that conversion. Now they are requesting the option to do it within a year so if they do proceed they may proceed to purchase it as a private hangar but they like the option to convert it over if the numbers work out and their accountant tells them it's a good idea etc. If it remains private then they will not be able to operate a commercial operation out of there however, they are allowed to store aircraft in there and charge a fee.

Chairman Martin – That's not really what you want to do.

Paul Hoffman – It depends on the numbers.

Commissioner Jankovsky asked Mr. Hoffman had he made a decision yet and it's better for you to stay with a private hangar or go to a commercial hangar.

Paul Hoffman said we really need to put an agreement in place that we have the option to pursue the purchase of the building so we have the option. We're dealing with the FAA as well as Brian. It takes them a long time to procure an answer as far as the charter operation, we need to negotiate on a hangar prior to that, and therefore we'd like the option for a period of one year to make the transition from private to commercial.

Brian – I know the offer with the current owner has expired or will soon and he will be able to take other offers on his hangar, which is a very valuable hangar, its right there on the flight line. AvTech is next to them and it makes sense for their operations to be right next to each other now and in the future so we're working through all the paperwork and want to give you a heads up and some time to digest this.

Chairman Martin – We can give you the encouragement to go forward.

Commissioner Samson thinks it is a good idea for the standpoint of commercial development at the Airport.

Commissioner Jankovsky – What I understand you are going to come back asking for a one-year option to us.



Brian – That is correct and it may change on the advice we get.

Carey – No action today is requested to allow my office sufficient time to review and advice accordingly.

Chairman Martin – So all we're doing is trying to get a consensus to see if we have a true outstanding objection at the present time and if anybody does please voice it now, otherwise we encourage you to go forward.

Commissioner Jankovsky said he appreciates the fact that you are using the Garfield County Airport and encourage the charter adding to our economy and jobs.

### **3a iv – Long term lease with Rifle Fire Protection District – Brian Condie**

Drew said again this is information only today.

Brian – The inter agency fire station of what I sent you is what we're discussing today.

In 1999 the county provided a grant for the construction of that building and we've been allowed to store pieces of snow removal equipment in two of those bays. The understanding was at some point in the future they will be it in a lease but until then thank you for your contribution to build this and you can store your equipment in our bays. After 10-years and lots of coordinating between the agencies, the building needs some attention and so the fire protection district last year decided now is a good time to start lease negotiations with the entities involved. It has taken about a year to get this all put together and that's what you have in your packet, the final lease document from the Rifle Fire Protection District and we would like to keep our snow removal equipment in covered parking in those bays and we've talked with our County Engineer Randy Withee last year on a replacement building which I included in my notes. The replacement building is not two vehicle bays. Sometimes we stick 4 vehicles in there, there's room in-between the pillars and we will wedge 4 of our vehicles in there to get them out of the weather. We identified that we have the current need for 8 vehicle bays and we added additional 2 so that we have room to expand in the future. That's why a replacement building is \$.5 million dollars. At that time it was determined that it would be better for us to enter into a long term lease for this amount for the 15 years to have a capital expenditure of \$.5 million dollars. We spent a lot of money at the airport and it's hard when you don't get 95% of it back. That is the information and again we'll send it through the legal department for their review, this does meet the FAA specifications for a lease. We cannot pay for anything that we do not use so you'll see some line items in here for cable TV or kitchen supplies stuff like that our staff does not use. They have taken those out and put a zero amount of county obligations to we can file with our grant issuances.

Chairman Martin – This also serves as a command center for major issues, it has in the past as well. So all those services that may sound funny are very important in reference if you're running a command center 24-hour a day for weeks on end; that is what was built into this facility and we support that as well. This is a great facility and we broke a lot of new ground which has snowballed into others as a regional facility and sharing resources, so I would like to continue the lease. I know the space is very expensive right now and everyone is expanding.

Brian – It has been a benefit to the county and I appreciate their willingness to let us stay there but I also know that it needs some repairs and if we're going to be in there we should help pay for those.

Commissioner Jankovsky has a question for Brian, are all these other agencies paying a fee, the Rifle Fire Protection District, BLM and the Forest Service. Are they paying rent?

Brian – Their rent goes back to 2006, ours starts in 2011 because of our contribution. They took that into account how much each entity contributed and if you look at the summary it is broken out to the 4 entities in there and what the percentage that each will be paying. Now the percent is for the overall building and if you go by the line items you will see some zeros on the Airport, so we can't say 13% because that does not comply with the FAA; we're paying 13% of all eligible expenses that the FAA will allow.

Chairman Martin – Do we have concerns or do we just refer this to our legal staff and come back for approval.

Commissioner Samson and Commissioner Jankovsky said to refer to legal.

Carey – I would ask if the form in front of you has already been signed does not raise any legal concerns that we can put this on the consent agenda, otherwise if there are other issues I would ask we put it for further discussion.

Chairman Martin – The legal staff will review and tell us it is allowed to go forward and then put it on the consent agenda.

### **County Attorney – Carey Cagnon**

#### **Public Hearing**

#### **Public Hearing by the Board sitting as Medical Marijuana Local Licensing Authority**

Shalynn Hofert, Justin Rambo, Gale Carmoney Code Enforcement, Jim Wilson Building Inspector, Andy Schwaller Building Department and Carey Cagnon were present. This is a continued public hearing from August 6<sup>th</sup> to consider a request for Local Verification for OPCO Operated by Green Natural Solutions, Inc.

#### **Motion**

The Commissioners convened as the local Medical Marijuana Authority by a motion made by Commissioner Jankovsky and seconded by Commissioner Samson. Motion carried unanimously.

Carey - On August 6 posting and notification requirements had been met for two different OPC's (Optional Premises Cultivation Operation) and we you did hear testimony regarding the grown op or OPC located at 7 Oak Road and you made a decision on that particular application; however, the Authority continued the public hearing on the OPC located on Silt Mesa Road for the purpose of getting some additional information on when the establishment began operation within the County. The issue before you today is whether to grant a local verification to Green Natural Solutions for an OPC located at 4501 Silt Mea Road.

Shalynn passed out additional information the Authority requested.

Chairman Martin asked Jean to mark this as an Exhibit.

Shalynn identified the exhibit as an avadavat from the landlord owner of the property stating that he swears we were in operation at the date of our lease agreement June 1, 2010.

Commissioner Jankovsky – This is what I asked for and it doesn't have the address but this is what I had requested, some sort of confirmation to the lease in 2010.

Shalynn would like verification of my establishment as an OPC site.

Carey – I would like to expand the record on this request in light of the information that came to us through the medical marijuana enforcement division since the time of your last hearing. Folks from the Building and Planning Department can provide you with a visit made to this location by Gale Carmoney and Jim Wilson based on a complaint from a neighbor. They did investigate what use was being made on the site so I would like to expand the record from the information on that site visit.

Gale C. stated to lay the foundation; there was a complaint that originated with a neighbor telling us about some grading that had occurred on the property and a greenhouse that was being built at the time in June 2011. We investigated and the finding was there a metal building, there is some history to the building permits there.

Carey had some photographs that may assist you in following Gale's testimony.

Chairman Martin entered this as another exhibit.

Gale continued with these exhibits it is a good time to go into this. The metal building that's on site was supposedly a garage that was built but the property had been owned by a different individual than the current owner Mr. Collins. Prior to that it was owned by Mr. Buzzard who had a building permit for a single family house, garage, septic and probably some other improvements. They're no follow through on this single family house but they did build the garage and also put in a septic tank. The Assessor's has indicated there are some improvements inside the building that would lead me to believe it's being used for something other than just a garage and storage. It has some fixtures, a bedroom so that's another point. We have not been inside the building itself. During this site visit in June 2011, it was to investigate the grading that occurred around this greenhouse. There was another greenhouse sort of a temporary structure plastic exterior over a frame, there was a significant amount of grading that was supposedly to obscure the view around the greenhouse because it was going to be used at that time for a medical marijuana cultivation. You can see the berm there that was excavated around that and the greenhouse was still under construction at the time. When Mr. Wilson and I first arrived on site we noticed a vehicle there and so it looked as though there was some activity. We walked up to the front door and when we got there we first saw some kids running around playing near the building so we asked if there were any adults on site and if they come out and talk to us. The kids ran into the building asked for I suppose their parents to come out, didn't really identify the relationship or anything like that. A couple of gentlemen and a lady came out and spoke with us. I identified myself as Code Enforcement and was there for the grading and the greenhouse had been established and asked about its use, what was going on and the building and at that time they had told me, actually they made a phone call to somebody who they were working for, I believe that was Shalynn Hofert as identified on the phone and said I got the impression that they had moved the operation from Mesa County recently. That was my impression from the conversation I'd had with the people working there. I did speak with Mr. Hofert and he was under the impression they were legally established prior to the moratorium. All I know is what I was told by the people there who led me to believe they had moved up from Mesa County.

Chairman Martin – The moratorium was the Medical Marijuana start.

Gale – The Moratorium established in 2010. But there was no way for me to verify that at the time. We did go inside the building itself but I'm under the impression there was cultivation going on inside the building and wanted to keep us outside of that I think they eventually closed the door but the one thing that led me to believe there was cultivation inside is because one of the guys had come out and had probably been working on the plants because his hands were covered in green residue and he shook my hand so it was obvious. That was the reason for our site visit and what we saw while there. I later spoke with the neighbor who initiated the complaints just in the last month or so because I wanted to get some history on the activity of the site. As he recalled prior to the June 11, 2011, the grading was done at that spring and the greenhouse was probably put up at that time. But there was really no activity on the site in the fall of 2010. It was pretty quiet at that time. There was a notice of violation sent out to the property owner about the building and the question about the permits etc. The metal building on site while we did have permits by the previous owner to build a single family home and a garage, only the garage was built, they withdrew the single family permit and in the Assessor record it showed improvements inside the metal building being used for something other than just a garage and storage. We asked the current property owner to come in and talk to us about building permits, we thought we were going to resolve the issue by getting a certificate of occupancy for it, he was going to follow through on building permits but that fell to the wayside and nothing has been resolved. Chairman Martin – You are saying on this metal building you don't have a CO.

Gale – No, not for the type of occupancy it's been used for.

Chairman Martin – Does any action need to be taken on the grading or the temporary...

Gale – There is still the outstanding issue of the grading and the greenhouse is still there, we never satisfied our inquiry of that and the greenhouse being used for commercial purposes or not. It just kind of fell to the wayside some of that being that we were still being uncertain as to how this was going to be worked out with the board and establishing land use regulations. Gale explained the other handouts. Those are taken by Mr. Wilson leading up to our site visit.

Carey – The issue before you is two different issues you have to make on this request for an OPC and local verification. The first being if it was established prior to the County's moratorium and the second is whether you find there is sufficient evidence before you that it can comply with the state's minimum licensing seal. As we learned more about this process and more about the information I was hoping to accomplish some clarification should you decide Shalynn had approval. The first is to clarify what exactly is being locally verified and then also to assist in establishing what additional steps would be necessary to bring this particular structure, building into compliance with the building code. So it is partially information for the applicant as well to ensure they know what steps need to be taken should you move forward with a local verification. The first one I raised the issue because the site plan submitted in the application is only of the metal structure, however the site visit completed by the building and planning department shows there are two buildings on the site, one is the metal structure and the other is the greenhouse. I want to make sure if you do move forward that we are clear on which ones are being found to be in operation prior to the moratorium, if that's one, both or none so the applicant knows clearly as well what it is that's been approved and what hasn't. That's the goal of bringing this additional information before you.

Chairman Martin – I understand this is a code enforcement violation and we have to make clarification if these people were in business or not.

Jim Wilson submitted two photographs and it appears that one photo was taken earlier of the excavation that was going on out there and the second photo was sometime later that shows the greenhouse being constructed. I took these photographs from Jewell Lane as I had first noticed the excavation in that area, I just took it to look into later because occasionally there's excavation on the Silt Mesa that has to do with agricultural and irrigation projects, ponds and damming that don't necessarily need a permit. I took a photo of this because there was substantial earth moving that wasn't Ag related and would have needed a permit.

Carey – I think that it may, I wasn't entirely clear is this metal structure properly permitted with the building code.

Chairman Martin – The testimony said there are still issues there based.

Carey – There would have to be some request for inspection and an issuance of whatever permit is necessary for this warehouse.

Commissioner Jankovsky asked Andy Schwaller to come up.

Commissioner Jankovsky asked Andy in this case this metal building was built and put into place and then later on the tenants came in and changed it for medical marijuana growing, so when they do that are they required at that time when they start making changes to the interior of the building are they required to get a building permit from you?

Andy said yes. Anything there is a physical change to the building that's structural, that requires a building permit also anytime there is a change in occupancy in this case from a garage to some sort of commercial type structure that requires a building permit to review the building for the right codes for the use that's out there.

Chairman Martin – Do you know the date when this building was constructed?

Andy – We have it in our records, it was several years prior 9-27-1999 is when the permit was taken out. It looks like in 2002 was when it was finalized. One other comment, when I read the emails back in 2011 I missed it the first time but there were kids out there and I think that's a consideration to be looked at. The people are bringing their kids there, the kids are going in this building, I see a problem with that and wanted to mention it so it didn't get missed again.

Chairman Martin – If that's a requirement with the licensing authority, it's really not the state, and we are trying to verify that it was again in operation prior to the moratorium.

Justin Rambo – Garfield County resident and taxpayer and I am a builder and happen to operate both of the grows. First and foremost as far as permitting we started this establishment we were under the impression from direction from Garfield County Building and Planning that we were an agricultural business so please realize when you hear Andy and the rest of the building department speak about the building needing to be brought up to commercial code, they are correct but this is a new development. When we originally leased this site it was an agricultural location being used by an agricultural business. Much like with the 7 Oaks grow that you've already approved it has gone now to the building department with the gentlemen behind me and of course we are going through structural engineer, septic etc to bring these up to commercial code. So by no means would we lead you to believe that this building is and or when we received it in commercial standards because once again at that time we were not levied

by commercial standards. We were agricultural. As far as children I want to address that first and foremost. The vehicle that's I'm seeing in a photo here is for an employee who worked at old Mesa/Clifton grow and I can tell you that we had no clue and have never had any clue of children being on site and I really wish that was something that would have come to us. I can tell you that now we have full own security and camera the entire way around the building and something like that would have been caught and taken care of. I can only imagine why the state has put these types of rules and regulations in place to make sure not only us but they can oversee and make sure these types of things aren't happening. I'd love to say I control everything that an employee does but as with my conversations with the state there's one more pleased about the cameras system involved than me. That is how I oversee my employees. Before that point we didn't have that luxury. If someone happened to come from the Clifton area and was left babysitting these children while he had to do some work unfortunately there's no reason or excuse I can give you. It's definitely not something that we allow. For instance at the other grow where I personally reside on the 40-acre grow, my son isn't allowed within 150 feet of it. There's fencing, security, etc a lot of things in place that at this point from these photos were not in place. As far as to get to the greenhouse, one thing I would like to say is we did have temporary greenhouses up and had been using them for a long period of time. The problem we ran into with the state is that the state requires certain things of us to be in a greenhouse now. As far as cameras, alarm systems, fencing, lower visibility etc. So our point of building a greenhouse that you see here in front of you is to get rid of a temporary structure and build something that could be built within confines of what the state regulation is. Of course the small post beam and plastic greenhouse that we had before wouldn't lend itself to cameras, alarms systems etc. it was very temporary system. One of the big problems we have had in this situation and we have spoken with your counsel on several occasions as far as regarding the moratorium. You had a moratorium in place as of 2010, I believe it July 1 at the same time the state's coming through and making us conform to new regulation that wasn't in existence before your moratorium. So the big problem that we have had in this industry is how to we built and bring up existing business to state standards without making improvements that hinder your local moratorium. It's been very difficult for us to make both parties happy when in some views the moratorium says you can't do anything and in other views we've been told you're not allowed to establish a new site, but if you were already existing then you could bring that existing structure up to standards. So it's been a huge gray area on us for what we could and could not do and everything we've spoken with counsel all that we've ever been told is we are not giving any answers or directions and do what you need to do at your own risk. So to try to bring greenhouses for instance up to state standards, we had no choice but to do things that interfere with your moratorium.

Chairman Martin – I don't think that's the question in front of us at all.

Justin – For instance, the berm. We were told you are building a berm well we're trying to be a good neighbor.

Chairman Martin – That's still not the issue in front of us. We are trying to verify that you were in business prior to the moratorium. All the other issues are secondary and you'll probably have to work with the code enforcement and the building department in reference to bringing everything up to commercial standards.

Justin – That's what I'm doing now. As far as we've been in business, I think the paperwork shows that.

Chairman Martin – That's what we're trying to establish, now if there are other issues outside of that, then you're going to have to work with code enforcement and the building department.

Justin – when they started talking about greenhouses, I assumed it was all on the table.

Chairman Martin – what it amounts to is it wasn't being used prior to the moratorium and that's what we're trying to get.

Commissioner Jankovsky asked if we need to close this... I do have more comments than questions. I'll make those now, the first comment is as you in this business it is extremely important that you follow all the rules and regulations so we know that you are following those that the state puts out for medical marijuana. It is extremely important that you go through the building department, get your building permits and follow those rules and regulations. That is the first comment. The second comment I have is a question back to counsel and that is, is this document enough where it doesn't have an address or anything on it, is it enough for us to consider proof that they were there in the building. It says I confirm my tenant but it doesn't say at 4501 Silt Mesa Road or anything like that, so it's still – it is notarized, signed but does it meet the requirements we need.

Carey – This is going to come back to you in terms, in your discretion is this sufficient evidence that the grow-op is in this location, owned by this owner, the lack of an address is something that you should ascribe to the weight that you decide to give this document.

Commissioner Samson – Let me ask this question, is there any other address that you as a tenant lease as Green Natural Solutions from Mr. Collins other than the one specified at the top ..... ?

Carey – The only thing I would say is a reiteration of what you are tasked with doing under the Resolution that establishes you as the Local Licensing Authority as to determine whether you've heard sufficient evidence that they are in compliance with the minimum standards of the Medical Marijuana Enforcement Division and are in compliance with state law and that you have been presented evidence they were in operation prior to the County's June 21, 2010 moratorium.

Chairman Martin – And with that again reiterating of our decision and what we are to be deciding upon.

### **Motion to close the Public Hearing**

Commissioner Samson so moved. Commissioner Jankovsky – Second.

In favor: Jankovsky – aye    Martin – aye    Samson – aye

### **Deliberation**

Commissioner Samson – I would say that we had asked them to provide information which they have provided which seems to give us the information necessary that they did have a medical marijuana site operating since June 1, 2010.

Commissioner Jankovsky – I agree with that, I guess I would state that without having necessary building permit I'm concerned about meeting the minimum standards and state law as far as medical marijuana enforcement and I would be more comfortable in approving this, I guess the verification is one thing, but just approving this as a licensing authority that they have that building permit in place and then at least on the metal

building itself. I would have a higher level of comfort just because I do believe they meet the timeline but I'm concerned about meeting minimum standards the state requires without have a building permit in place.

Chairman Martin – I think the determination is going to be that we didn't have rules and regulations in place and there was mixed messages in reference to was it commercial or Ag and the operation started before the moratorium etc during the moratorium and to I find that they were in business prior to that, the answer is yes they were, was it meeting all the requirements, well, we really didn't have that many requirements because it was classified. Do they need to bring it into conformance, I agree they do. I think they need to be aware of that and they have had consultation saying they are working on that but again as we have been told we need to find if they were, did they meet that standard and do they go forward with the licensing. Again, inspection from the state, rules and regulations are enforced, our own building code will be then looked at and they will have to meet all those requirements for the land use code. They have a job to do, our job is to say whether ere they were in business prior to the moratorium or not.

Commissioner Jankovsky – And with that I believe they were in business, I think through it's not the most professional, most legal document it is notarized, signed and I do believe they were in business prior to that July 1, 2010 in this location.

#### **Motion**

Commissioner Samson – Well, I would move that we approve the request for local verification for an OPCD operated by Green Natural Solutions at 4501 Silt Mesa Road as presented in the document signed and notarized.

Commissioner Jankovsky – I second that.

Chairman Martin – That is to be sent to the State of Colorado that we have for the verification process.

#### **Discussion**

In favor: Jankovsky – aye    Martin – aye    Samson – aye

Commissioner Jankovsky – I have a comment back to counsel, if Green Natural Solutions wants to pursue anything more with a greenhouse on that property they would have to come back to us and that would be a separate application as an expansion of the facility.

Carey – At this point they are not located in a zone district that is approved for this use under the Land Use Code and so if they wanted to expand their operation beyond what they are at currently, then they would have to come back with a land use application for a permitted zone district. So if they are deemed to be a legal non-conforming use, then they cannot expand any further without destroying the protection for those uses.

Justin – If I may get some clarification, are we talking about additional new greenhouses or are we talking about greenhouses that have already been here existing and been used.

Chairman Martin – No, we're talking about two, are you going to use the

Justin – Yes, the greenhouse that we have for both grows we try to be as green as we can and the biggest way we do that is greenhouse growing because electricity is our largest waste of energy you might say in a grow. So for us greenhouses is pretty much the way that we support the majority of our growing that takes us through the winter when it's not as cost effective to grow inside due to heating, electricity, etc. So these greenhouses have been used and I can understand where you are saying if we want to



expand then we would have to get that right but it's my understanding through consultation with Mr. Fred Jarman that through this process we're taking a snapshot of what's existing and nothing else would ever be allowed on these agricultural properties you know because once again both of them have greenhouses for instance the other grow which you've approved has an existing greenhouse that's been there as well for years and it's my understanding right now the way I'm dealing with the building department is that has been made into one application because they are jointed at the hip. You don't have one business without the other so it's my understanding, the whole reason we did greenhouses originally is because your new code said we couldn't grow outdoors. The reason that we built berms, we're looking at doing big fencing and the reason we have huge agricultural properties that we've rented from 10 to 40 acres was to give us that ability to grow outdoors. You took that away from us so we made sure we had all that enclosed in greenhouses to conform. I'm not sure why they would be separated; I could understand anything additional going from this point forward but anything that's existing and in use isn't that part of the same permit process?

Chairman Martin – Not necessarily so it becomes a non-conforming use based upon the zone district and you have to understand that I have a lot of arguments along your lines in reference to non-conforming uses, expansion and improvement etc but we're talking about agricultural under again, you are commercial.

Justin – We are now.

Chairman Martin – And we have verified that you were in business prior to July 1, 2010, you meet all the building codes and what have you.

Justin – For the most part. The gentlemen we have a walk-through schedule tomorrow at 11:30 a.m. to go through the main grow.

Chairman Martin – It's another issue as far as building codes and the use, we have verified that you're in business. There is an expansion you come under the land use regulations on a non-conforming use and there's a process in place.

Justin – But when you say expansions to me that means something not currently existing. You're looking at pictures that are existing so I'm not sure how we could look at it as expansions.

Commissioner Jankovsky – I think you have to take first of all the greenhouse would need to be part of this application and it would need to show it was in place and build prior to July 1, 2010. I have in here a documentation that it put into place in 2011. So that is the difference there and it wasn't part of this application that's in front of us today.

Justin – You are correct but my only issue with that is your own enforcement agency has reported that there was a temporary structure there and so it's not as if we added or expanded, it's that we have had to build and repurpose the building to meet the state code and this is the conservation I was trying to get at as far as how do we maintain the limitation of a moratorium and state within the realm of the state requirements and minimums that you say. For instance, state requirements as far as minimums have nothing to do with permitting, etc that's what I'm in the process of dealing with these gentlemen here but for instance at the other grow where these guys will be there tomorrow, greenhouse is 5 feet away from the building, all the alarms systems, camera and everything are tied into the building, the fencing everything is to the building so it's not an expansion. I can understand where you are on this one, but once again the

structure was existing, the square footage was being used but we had to put in a greenhouse that met state standards.

Commissioner Jankovsky – I think that once you start or if you change that building then you set yourself into a new application process. Now if your other greenhouse had been there in 2010 it should have been included with the application and it was not but this is the first time I'm even aware there's a greenhouse on your existing property.

Justin – You'll have to excuse me I wasn't able to be here at the last meeting because I was out of town with my family and in-laws, if you would go back and I listened to the meeting and went through the archives and the one thing I would say is that Ms. Shalynn said the same thing and very consistent in the fact that she didn't view greenhouses as a building when the Silt question had come up you I believe specifically asked her are there any structures on this site. She said, no, this is the only building that we've got. I heard someone in the background stand up and say well, there's also a greenhouse and Mr. Hofert immediately said well, you'll have to excuse me; I didn't view a greenhouse to be a building. So I can understand what you're saying but even through your own archives you can see the simple misunderstanding and or communication on that process. I'm a building a general contractor so of course you ask me about building and structures, you're probably going to get a little different response saying with a woman that deals with sales and has never picked up a hammer. That's why she has me is because that's the type of work that I do. But even through dealing with Mr. Fred Jarman, the greenhouses had been there for instance at my site as far as I personally own and I am the landlord, I've only got one neighbor that could see the existing greenhouse. So to be as neighborly as possible much like with the berming we resituated things to try to lower the visibility on effect of our business on our neighbor and it only seems to me that this board would be nothing but pleased with the fact that we're taking the opportunity to make sure we are as of little impact as possible for our neighbors.

Shalynn – I believe the question on the table is with the local verification that we just did receive, does that include the greenhouse?

Commissioner Jankovsky – That is the question. My answer to that is no it does not.

Justin – So what needs to be done to get them included?

Commissioner Jankovsky – You're going to have back through the process on the greenhouses.

Chairman Martin – The clarification is that you metal building.

Commissioner Jankovsky – And then you have verification on both locations on the metal building. And again, I'll go back to you need to be meeting minimum standards and state laws from the State of Colorado and you need to meet all our building code requirements, have building permits and certificates of occupancy and those types of things. And you'll have to come back through the process and I'm sorry because it would have been much easier for everybody if the greenhouse would have been on there in the first place but at this there are not so you'll have come back through the process.

Justin – When you say the process, the letters that my neighbors etc have given, I'm basically compiling the same information...

Commissioner Jankovsky – No, there is a land use application.

Chairman Martin – It is a non-conforming use within a certain zone district which again the provision is non-existent really at the present time.

Carey – That is correct, there is no land use application that would expansion of a legal non-conforming use so if they wanted to expand the use beyond what was approved from the local verification process which I understand are the site plans are included within those applications presented to you before the hearing then they would have to be in compliance with your land use code and it's simply not possible.

Justin – The one thing I would like to say this is a simple clerical misunderstanding, that's all it is, someone didn't put a greenhouse on there. So you're telling me that I need to go back through a process which council just told me doesn't exist so why aren't we just throwing away the work that we've done now, fill out the paperwork the way we have now been informed that we need to fill out to continue with this process. All we're trying to do is stay within compliance and like I said I was out of town, permits and site plans that you look at what was drawn you could see that's it's not something that me as a builder would do ...

Chairman Martin – What it amounts to is that is be in existence prior to the moratorium.

Justin – If you read the documents that were supplied by my neighbor at 7 Oak Grove who is the only person who can see the greenhouse there he has written that the structures have been there, he's written that the buildings have been there plural. So if you go to that you will see that's it's not one building that he's written about, he has said the size and the colors of both the buildings are fine for him and that they've had zero complaints or issues with these items. So the very letters that my neighbors have given state this, the very information if you get on Google mapping whatnot shows them but she didn't pencil them in on a site plan and I find it really hard to believe that you're going to tell me that I have to pushed off to a system that doesn't exist that I can never conform to your regulation on a clerical error. We're talking about four lines with a pencil and you're telling me this would have been okay. You can't really as my elected officials sit here and say that you know we don't have the opportunity to go back, correct the mistake and begin back through the process to make sure it's done correctly.

Chairman Martin – The option to resubmit for that I guess for verification is your corner if you wish to do that and withdraw this approval process, that's a risk that you have to take.

Justin – That's fine.

Chairman Martin – And that's something that you guys need to discuss and if so you need to make a formal request to withdraw that particular one and file what you're asking for Justin and make sure the application is complete because in our hearings and it is a public hearing, we find that it is complete and make a decision based on that completeness that you have submitted to us. We have verified what you have submitted in reference to the application that the one building was in operation prior to moratorium and that you were again meeting that minimum standard and we verified that through the state. If you wish to again, withdraw that particular request because there was a mistake of lack of information on your application that's a risk that you have to take.

Justin – First of all the approval is 100% .....when you talk to the building department it's been there since 2007 and everything is right and correct but we're talking about a huge part of our business as far as greenhouses are concerned now and the one thing I would like to say is as far as the withdrawal, do we have the ability to withdraw one and

not the other because what you're telling me is that the greenhouse is not approved and or not accepted at Silt Mesa because of the changes that you see the pictures of in 2011 so from my understanding even if I draw the greenhouse here on the site plan, you're still going to tell me that improvements were made to it and therefore we don't allow it or would your feeling be that improvements were made but we see that they were done in compliance with the state and what the state requires minimum requirements to be since you meet those minimum requirements we will allow it. I don't know your view enough to...

Commissioner Jankovsky – You get into legal questions Justin and I don't know that our County Attorney can answer all those but after that I have one more questions, there has be some way for them to come back in front of us with a non-conforming or is....

Chairman Martin – I've heard that argument many times in reference to other issues on non-conforming use within a certain area and again that's up to the board in reference to what we do and not but that's in our rules and regulations and they have to apply that, that's one of the review processes we are doing on our rewrite of land use codes, it's a very touchy subject and again it's not just because of Justin, there are many other issues on non-conforming use that would be affected. I hear pros and cons on that mostly cons. Counsel...

Carey – Two points, the first is to confirm again that if they were to expand a legal non-conforming use, they would eliminate any protection that they would have, so any expansion would have to come through the land use code and comply with all elements of the land use code at the time the expansion is requested. So in this case they would have to demonstrate that they are operating within a permitted zone district.

Commissioner Jankovsky – That's what I was trying to get to so they could come back and go through a major impact review and go through the process on those greenhouses.

Shalynn – So there is a process.

Carey – So that's it's clear they could come in and ask for a grow-op in a legally permitted zone district they are not presently in a legally permitted zone district in either location. If they wanted to expand beyond what has been approved then they would have to come in and meet all the elements of the land use code. They would have to relocate; they could not expand their operation at their current locations.

Chairman Martin – If there was an error which Justin is claiming in the application that was being used prior to the moratorium that's another issue. There is again an error within that application and we would have to see a new application and a request for withdrawal in this particular one.

Carey – To the second point, so it is clear what has been approved by the local licensing authority are the site plans as presented in the application to the local licensing authority for the two OPC locations. In both cases that are only the metal structure, that is what has been approved.

Justin – We understand that.

Carey – If you would like to explore other options for revisiting whether to add in additional drawings on the site plan then you need to seek advice from your own counsel. I'm not in a position to provide you with legal advice on what your options are nor is this board able to provide you with direction. That is what you have legally.

Justin – Hold on, the one problem I have with this entire process as of right now is if you go through what we were asked to provide for this process it's leases, applications that were given to the state etc from my understanding nothing about current site plans etc the site plan that you have in here is something basic that was penciled drawn by Ms. Shalynn Hofert two and one-half years ago to turn into the state. You asked for a copy of the original application, no one has ever asked for a site plan other than your building department. Your building department has received 100% accurate site plan, you are attempting to use information from a base application turned into the state simply to give us an application permit fee as our site plan, you never asked us for a site plan, so you are taking information from a different regulatory department taking information that was given to you out of context and saying that we have turned this into as our site plan, it couldn't be farther from the truth. What we have done is turned in the original application handed into the state, if you had ever asked anyone here for a site plan, which your building department has 100% done and done clearly you would have received it and if you have any question in that validity please ask the gentlemen behind me if they have received site plans that show these things. For instance site plans here don't show water wells, entry's and exits into the property, they don't show north, south they show nothing. This is not a site plan for you to use this as a site plan is....I'm a builder and when somebody asks me for a site plan that's what they get. Are you really telling me that you're calling that a site plan?

Chairman Martin – That is part of the application submitted by the applicant to consider for verification.

Justin – It is part of our original application which you said you have to have.

Chairman Martin – We're going to disagree, the process is closed. It's up to you to seek counsel and make a decision.

Justin – Or withdraw.

Chairman Martin – Or withdraw.

Justin – Okay.

Chairman Martin – And I think you need to make sure that you talk to counsel prior to ...

Justin – To be honest with you, I always felt I was intelligent enough to use my own mind at the end of the day 7 Oaks things have been there, I've got every bit of engineering, structural, everything that that you could imagine so me to sit here and let you tell me that I'm going to just go ahead and throw away greenhouses that we have six figures into and go to a process that doesn't exist, based on farce documents, that's not a site plan and I can understand just as she didn't think a greenhouse was a building....that the attorney would think that's a site plan, it is not.

Chairman Martin – Justin, it's over, the decision is made and you need to make some decisions, we've had the exchange for over 40 minutes now and the answer is you need to make a decision.

Justin – Your saying I've been talking for 40 minutes when I sat here one and one-half hour for something not on the agenda that I'm being rushed.

Chairman Martin – No, you're not being rushed, your procedure has been closed, the public hearing is over. You have decisions to make; I'm trying to help you out.

Justin – When do we need to have the decisions into you please?

Chairman Martin – That is up to you. Anytime that you would like. I think you need to think it through and to weigh your options, take to your partners and go from there.

Justin – Yeah, my options are to lose ....

Chairman Martin – We have to make our decision based on the evidence that's in front of us.

Justin – Okay, we'll make sure the right evidence gets in front of you.

### **Other Business**

Question for the chair about scheduling preference, the site visit is scheduled at the conclusion of the regular meeting; you're on a rolling agenda today so there is one land use matter and executive session request. I didn't know if you wanted to take the land use matter in advance of the executive session.

Chairman Martin – I think we need to because there's a decision that we can make on that one, a request has been made in reference to the South Middle Water Facility Limited Impact Review.

Carey – I believe we have a continuance request however it is my understanding that they did want to open the public hearing and then continue to a date certain.

### **Building and Planning**

#### **County Attorney Update**

#### **Public Hearings**

#### **Consider a Request for a Land Use Change Permit for a Limited Impact Review**

#### **Open and continue – Mike Marcus with Olsen and Glenn Hartmann**

Mike Marcus with Olsson Associates representing EnCana Oil and Gas.

Chairman Martin – And our staff person is going to be Glenn Hartmann.

Carey confirmed the noticing requirements including public notification and posting, notifying adjacent property owners, etc and concluded they were in order and advised the Board they could continue.

Chairman Martin - Swore in the speakers.

Glenn submitted exhibits – A – M and Chairman Martin entered these into the record.

Mark Marcus submitted the request is for a continuance. He asked for October 8.

### **Motion**

Commissioner Jankovsky – I will make a motion that we grant a continuance for this Land Use Change Permit to October 8, 2012. Commissioner Samson – Second.

In favor: Jankovsky – aye Martin – aye Samson - aye

Drew added for clarification the time and place will be in Glenwood at 1:00 p.m.

### **Executive Session**

Upon the affirmative vote of two-thirds of the Commissioners, the Board will adjourn to executive session pursuant to C.R.S. 24-6-402 (4) (b) and )e) to confer with its attorney for the purpose of determining positions relative to matters that may be subject to litigation and instructing staff regarding collection of money for expenditures resulting from a fuel spill at the rifle Regional Airport, matters that may be subject to litigation or instructure staff regarding the collection of money for expenditures resulting from unperformed contract for purchase of good at the Rifle Regional Airport; matters that are subject to pending litigation regarding the status of St. Paul Sober Living, LLC et al v BOCC,U.S. District Court case 11CV 303 and matters that are subject to pending litigation regarding Western Colorado Congress v Board of County Commissioners, District Court Case No. 12CV190.

### **Motions**

Commissioner Jankovsky – I will make a motion that we go into an Executive Session to discuss items aforementioned. Commissioner Samson – Second. Motion carried.

Commissioner Samson – I move we come out of Executive Session. Commissioner Jankovsky – Second. Motion carried.

### **Action**

Carey said there is a request for public action on the 1<sup>st</sup> item at the Rifle Regional Airport; I would like to request that you direct staff to file a lawsuit on the fuel spill at the Rifle Regional Airport.

### **Motion**

Commissioner Jankovsky – I will make a motion that we litigate and instruct staff regarding collection of money for expenditures resulting from a fuel spill at the Rifle Regional Airport and that we litigate with Hadee Design and Management LLC in Los Angeles and Atlantic Aviation who is our airport FBO. Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson - aye

### **Clarification**

Drew corrected for clarification saying in the morning on the consent agenda citizen or Commissioner and it is every bit as much a part of the publically noticed meeting as any other agenda item; it does have some procedural differences but anyone who wanted to request any item be removed can do so and treat it like any regular item.

### **Commissioners Issues and Calendar**

Commissioner Samson – Updates - Northwest Oil and Gas Forum meeting in Rifle at CMC was very good, heard from Matt Lepore, who is the new director of COGCC. He gave comments there as well as the EAB meeting that evening. He said a couple of interesting and I think we should have on the record. 1) That he reemphasized that the COGCC, the State Legislature who they are empowered by, has the authority to grant drilling permits and we as Commission have constantly tried to inform and education our constituents to that and I know many still believe that we do that and he also had some information concerning some questions that came to him on setbacks and what they are wrestling with concerning setbacks. At the present time it's 150 feet or 1 ½ times the height of the rig and whatever is the greatest there. That is under discussion right now and they are going to wrestle with that and have to figure out what exactly they're going do with that. So many people who come before us need to know that's a COGCC matter.

Chairman Martin -There is a special provision within the oil and gas regulations that there is a 1000 foot setback in certain critical areas such as a House of Worship, school, hospital, etc. and they can put that in the application to be developed prior to any. They may also put that in the order that it must 1000 setback but they have to have foundation that it is in a critical area as defined.

Commissioner Samson – The other issue that came up that someone asked him about specifically; it was the issue of could you force the industry before hand to do something.

Drew – It was to use the most high tech rigs.

Commissioner Samson – He was very hesitate to make that commitment saying for us to get involved and telling the industry that they must drill with this specific type of equipment, he was not willing to make that commitment. But, I think that's going to be on the table and a discussion that COGCC will have and he invited particular people that he knew by name that were on the EAB to come and testify and bring evidence concerning new rules and regulations.

Commissioner Jankovsky – Primarily on setbacks, I believe Grand Valley Citizens Alliance was somehow involved in those hearings on setbacks.

Commissioner Samson – So to rap that up, I would just say anyone in the viewing audience out there, they need to be aware of that and go on the Colorado Oil and Gas Conservation Commission website to submit your comments or to go to those public hearings knowing what those deadlines would be that will be posted as such.

Commissioner Jankovsky – I hear him talk at both meetings and he commented Garfield County on the air quality study that's being done just stating that it is great for the industry and great for the State of Colorado, great for the Garfield County and that it is one of its kind. Its cutting edge, it's something that will be looked at from around the country.

Commissioner Samson – And I co-chaired the Northwest Oil and Gas Forum with him and we had occasion to speak and he spoke very highly of Garfield County, what we're doing and he was very interested in that and I told him that we are trying our best to make sure those things are done in a proper fashion and he was very interested in the results.

Commissioner Jankovsky – He complimented our oil and gas liaison and the work he does. Our oil and gas liaison previously worked for the USGS.

Commissioner Samson wanted to make a public comment here, I know that we have had people come before us in the past three Mondays and blast us and I have kept my mouth shut for various reasons but I am going to defend Kirby Wynn because he was mentioned I believe it was today by name and I'm going to say publically that Kirby Wynn is doing a very good job for us and I am very pleased. Mr. Lepore had very high recommendations of Kirby Wynn and the work that he is doing. So what's its worth for anyone listening to us, Kirby Wynn is doing a good job as our oil and gas liaison Local Government Designee. Mr. Lepore encouraged other counties to do the same. Another thing pointed out at the EAB meeting was a question was asked by someone concerning, is there any other county that does as much for the helping and mitigation by citizens in the oil and gas activity and he mentioned I believe what LaPlata County that they had something but it wasn't quite like ours but he said no other county can



come close or works as hard as Garfield County does for citizens to give input concerning oil and gas. I want this on the record.

Commissioner Jankovsky said he remembered this being said.

### **Calendars**

Commissioner Samson – On September 11<sup>th</sup> Mesa Vista at 2:00 p.m. and on Wednesday the 12<sup>th</sup> we had 3:00 p.m. He asked Drew to check and get back with him. Then the morning on the 12<sup>th</sup> we have a Federal Mineral Leasing meeting at 9:00 a.m. and an update on that we have received \$3.7 million and last time we received \$3.2 so we have \$500,000 more to work with and distribute. The applications will close today at 5:00 p.m. Some alluded to that today. We will be working on distributing grants in \$1.6 million again. Our spring and fall cycle next year will probably be more than \$1.6 million because we have more money. We're happy about that. On Thursday the 13<sup>th</sup> I will be gone all day with an AGNC meeting in Meeker.

Commissioner Jankovsky – Just to go back to last week I did attend the Garfield Building Corporation meeting on the 7<sup>th</sup> and they signed over the jail (Detention Facility) to Garfield County so we are real close; Jean signed some papers on that and we're close to having that all taken care of. I am in budget meetings with staff all week from 9:00 a.m. to noon and then I have a meeting Wednesday afternoon with Garfield Clean Energy and I'm meeting with Steve Beatty at 1:00 p.m. on Thursday to discuss concerns that Westbank has with their neighboring HOA concerning easements so I am moving forward on that issue.

Chairman Martin – The 3<sup>rd</sup> I met with the Thompson Divide Coalition representative and that was on a holiday and the letter in reference to reaffirming our position on our Resolution was discussed and I believe we will be supplying that particular decision to Dorothea Farris who is representing the Thompson Divide Coalition.

Drew said it is a letter signed by the chair to Thompson Divide Coalition reaffirming our position is stated in our Resolution.

Chairman Martin - Also on Wednesday met I met with City of Rifle representative, CDOT and a private property owner in reference to access and the changing of the intersection next to the rest area in Rifle and a request for again input so they can proceed with a grant to do planning and design of that intersection. We discussed at length the north and south which is on the south side of Taughenbaugh as well as the entrance into Rifle on the frontage road, which is the Hwy 6. It was agreed upon that the City of Rifle would ask their City council to go forward with two grant requests, they did and affirmed Tuesday evening that they would and that has proceeded, we will have two IGA's to work on if they should go forward on that grant is given to identify the design and the funding mechanism will need to be identified. That was by your request so that you wouldn't have to make a certain decision by Commissioner Samson. Also met with the Division of Wildlife and the Parks board, the new commission they have on Wednesday. It was a very nice time, met lots of new folks and it is going to be an interested challenge. We also met with the Division of Wildlife in a work session on Wednesday and discussed Sage Grouse positions understanding and that is on mine and I think it's viewed on the Internet or Extranet so the citizens can watch that one. Also on Thursday to the Valley View Hospital on the grand opening of their Cancer Center and it is a beautiful facility and great, passionate and professional people that are going to staff that and it's a nice facility. All the best to them. Went to Cowboy Up on

Friday here in Carbondale in the evening, it was a fundraiser and it was well attended, got to be a spotter in the auction, helped Brit McLin who was the auctioneer and we raised some money. I also attended the CCI Public Lands and all steering committees in Denver on Friday and I was barely on time for Cowboy Up in Carbondale at 6:00 p.m. A lot of new legislation coming up dealing with everything from TANF funds to Voting to Public Lands to General Government, Taxation and a whole bunch of new approaches. It is going to be a very interested year in legislation for the State of Colorado so let's stay on top of it. I did not make Club 20 on Saturday, that was my 44<sup>th</sup> Wedding Anniversary and I took my wife and my two horses for a ride and we went up on the Flat Tops and enjoyed it.

Commissioner Jankovsky extended congratulations as 44 years is great.

Chairman Martin – Hopefully I will need to get in touch with Community Corrections there is a public function called the Fall Art Festival this is its 50<sup>th</sup> year and community corrections and the facility in Rifle the State Corrections board have offered in the past to have people help to setting up and tearing down. So Rodney who is our Community Corrections person I'm requesting two crews of about 20 people on the Sunday, the 23<sup>rd</sup> to help set up and then we need to contact the Warden in Rifle to request a crew of about 6 – 8 guys to come help and tear down the following week the 29<sup>th</sup>.

Commissioner Samson – One more addition, you and I attended on Saturday for noon the High Country Senior Volunteer Luncheon at Aspen Glen, very well attended.

Chairman Martin – Yes we did that as well as the Burning Mountain Parade and Burning Mountain Days was a fun parade and a lot of nice people there as well. It was a full week and month and continues to be so for the rest of the year. Then we have budget that is to be our number one priority.

Commissioner Jankovsky – I'm kicking it off tomorrow from the Commissioners side and I know that staff has done a lot of work for the eyes of the Commissioners to take a look at budget. That's what I'm doing tomorrow.

Chairman Martin – Then we have our site visit today at the conclusion of our meeting but don't forget about starting at 8:00 a.m. tomorrow in Glenwood Springs in reference to a Regional Landfill Discussion with Dorothea Farris and Heartland.

Commissioner Samson will be unable to attend as he has a meeting with the Kiwanis at 7:00 a.m. in Parachute.

Chairman Martin – There is no decision, it's only a discussion and options for us to consider. Commissioner Jankovsky and I will listen.

Commissioner Samson – To make sure for Wednesday, the 27<sup>th</sup> of September are we meeting with the Glenwood City Council at lunch over something.

Drew – Yes, there are several issues.

Chairman Martin – Then on the 29<sup>th</sup> I can confirm that the Warden we tear down the Art Festival at 6:00 p.m. That is Potato Days in Carbondale and we'll be at the parade.

Commissioner Samson – For what it's worth on the Wednesday the 26<sup>th</sup> I'll be attending the signing of the IGA for the Fire Department Rifle and Burning Mountain at 6:00 p.m.

That is an historic event.

**Adjournment and Site Visit**

\*\*\*\*\* September 17, 2012

*October 1, 2012*  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**ROLL CALL - 8:00 a.m.**  
**PLEDGE OF ALLEGIANCE**  
**INVOCATION**

**PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA - 8:05 a.m.**

**REGULAR WORK SESSION:**

**1. Consent Agenda: Items of a routine nature are placed on the Consent Agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner or any member of the public may request that an item be "REMOVED" from the Consent Agenda and considered on the Regular Agenda.**

- a. Approve Bills**
- b. Changes to Prior Warrant List**
- c. Interfund Reimbursement Request**
- d. Approval of revised Assignment of Purchase of Services Agreement with the Colorado Housing and Financing Authority and rescission of version previously approved on August 20, 2012 - Tari Williams**

**Attachment revised Assignment of Purchase of Services Agreement with the Colorado Housing and Financing Authority.GCE**

- e. Authorize the Chairman to sign the Determination of Fiscal Year 2012 Rent Agreement for the Interagency Fire Station in Rifle south of the County Airport - Carey Gagnon**

**Attachment Determination of Fiscal Yr 2012 Rent. Interagency Fire Station**

- f. Acceptance of County Treasurer's Semi Annual Financial Statement First Six Months 2012 - Georgia Chamberlain**

**Attachment SemiAnnual Financial Statement**

Chairman Martin asked to have a motion to approve the consent agenda.  
Commissioner Samson - So moved.

<b><u>MOTION</u></b>	<b><u>SECONDER</u></b>	<b><u>VOTE</u></b>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

## 2. County Manager Update: Andrew Gorgey

### a. Public Meetings:

#### i. Recommendation to award a contract to Consolidated Divisions, Inc. to provide as needed snowplowing services for the 2012-2013 snow season - Deb Fiscus and Jamaica Watts

##### Attachment CDInc Snowplowing

Deb Fiscus and Gene Duran presented the contract award for 2012 and 2013 snowplowing for Battlement Mesa, Panamanian and Glenwood Springs. This was put out for an RFP and we received two proposals. Consolidated Divisions, Inc was found to be the most valuable.

Commissioner Jankovsky - This is an hourly rate but I would like to get to the cost and it appears that Consolidated scored the highest and gave you the best rate.

Jamaica affirmed that to be correct.

Commissioner Jankovsky - I will make a motion that we approve the award of contract to Consolidated Divisions, Inc in an amount for snowplowing not to exceed \$50,000 for as needed for the 2012-2013 snowplowing season.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote
Tom Jankovsky	Mike Samson	

#### ii. Consideration/authorization for the Chairman to sign the First Amendment to the Purchase of Services Agreement with CHC for inmate healthcare services-Gene Duran

##### Attachment Purchase CHC

Gene Duran submitted the proposal as the First Amendment to the CHC for inmate healthcare services. He explained the offsite medical services had exceeded the \$25,000 cap per year on offsite medical care. That means that CHC covers that first \$25,000; any amounts over this \$25,000 the Sheriff has to write a check to CHC. Because there was a two-month extension of the agreement from last year or into this year, we exceeded that cap. There were two caps; one for the additional two months of 2012 that was a little over \$4000. For the remaining 10 month agreement that we are currently in, the cap was around \$20,000. We exceeded that due to additional offsite medical services in those first two months. This means we exceeded the \$4000 cap by approximately \$7500, which in a normal twelve month contract would have been spread over the course of the contract and perhaps we wouldn't have exceeded the cap. CHC proposed that we amend the contract to make it essentially one cap for 2012 rather than two separate caps and as part of this agreement they are giving us credit for \$7000 that

we exceeded for those two months. That is the amendment and Gene offered to answer questions.

Commissioner Jankovsky asked if this \$25,000 was if someone had to go outside their services per year.

Gene said correct and they had to pay a dentist for work on an inmate that was outside their scope of services.

Commissioner Jankovsky asked the amount for the entire contract.

Gene said the overall contract is well over \$1,000,000 dollars for the year.

Chairman Martin said that takes care of the cost of inmate medical cost over the year including prescriptions and a few other things.

Gene said the contract will be presented to the Board in about one month.

Commissioner Jankovsky – I will make a motion that we approve the First Amendment to the Purchase of Services Agreement with CHC for inmate healthcare services and the Chair authorized to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

**iii. Approval of contract to buy and sell real estate for right-of-way acquisition at CR 117, Black Diamond Bridge, BOCC and Eric Faas Revocable Trust et al, with authority to Chair to sign. - Andrew Gorgey**

Drew stated this is a contract for the Black Diamond road and is a standard form of agreement provided to you outside your packet of information. Drew and staff within the County Attorney's have been involved in a series of engineering costs and the process of obtaining right-of-way. This is the first in a series of engineering costs and process of right of way; we are in the process of developing right of way access for the County. This came up last year during your budget hearings and the issue at the time pertained to emergency road construction related to road projects. We are in still in the process of improving this work flow to speed things up and I want to be clear that the engineering department has done its job in terms of getting property descriptions and trying to advance this. It is a systemic issue as there are three components to these, the first is the engineering, the second is the business transaction with the Board when necessary and the third is the legal process. Your staff is working on improving that as a system. Legal descriptions are attached; it is land for the bridge. Drew alluded to the fact that the County is not buying mineral rights if there are any and it would be a fee title to the land itself which we have done.

Chairman Martin said it was a successful negotiation and we appreciate that Drew.

Commissioner Jankovsky had a question of Drew, are we sure we're going to get the rest of the right of way acquisitions. Is there any issue with the additional right of way? There are five more to be made and some land is ineffective.

Drew doesn't believe there is an issue with the purchase of additional right of way but we could wait until all the contracts are secure, if the Board wants to do that. The engineers have contracted the parties and they are willing to sell the right of way. This is

land for the bridge. It is a safety issue for 4-Mile Road. Some of these issues require vacating certain county roads and relocating them on other portions of parcels. The other three acquisitions are right at the shoulder and the land is effectively useless. The safest way to do this would be to wait until you have all the contracts in place and I'm happy to do that. You will need to get those other contracts anyway, that said I don't see any problems getting the other acquisitions.

Chairman Martin said the engineers have been in contact with the other landowners and they are willing to work with us and they have given us indications they are willing partners because it does benefit them in the long run anyway.

Commissioner Jankovsky said he would like to get this going.

Chairman Martin said he agreed as it has been a long journey to get here.

Commissioner Jankovsky said it was a great improvement for Black Diamond Road and Four Mile road in general. It increases the safety factor of Four Mile Road.

Commissioner Jankovsky - I will make a motion that we buy the real estate for right-of-way acquisition at CR 117, Black Diamond Bridge from Eric Faas Revocable Trust et al, and give the Chair the authority to sign.

Drew for clarification said you are buying an entire parcel there. The entire triangle is being split in two and the County is buying as referred to on this exhibit as Parcel B. You own it outright, you can cross it and exclude others and do whatever you want. You can put conditions on the use of it.

Carey said she was trying to anticipate the bumps in the road as we go forward. This is a single parcel and effectively creating a subdivision by purchasing part of it. There may be some additional land use actions that are needed before any sort of conveyance deed can be recorded. It could potentially be considered an illegal subdivision and either the Assessor or the Recorder could send these documents back to her.

Chairman Martin said it was identified in the contract what was to be expected with that Parcel and in the contract. The seller also agreed to that as well.

Drew said both points are valid and the contract does address this issue and more action by this Board will be required such as in a Resolution and it would be recorded with both deeds. I have that directly from the building and planning director.

Drew said some action would need to be taken perhaps in a Resolution and he is getting this from the building and planning director.

Commissioner Jankovsky said perhaps we can purchase those other parcels of land and get this moving forward.

Chairman Martin said it does become an asset to the county.

MOTION

Commissioner  
Tom Jankovsky

SECONDER

Commissioner  
Mike Samson

VOTE

UNA by roll call vote

**iv. Update regarding Administrative Departments - Andrew Gorgey**

**1. Regular road supervisor**

## 2. Communications

Drew said we made it to October. It has been 6-months since the Board and County Management acted for an organizational change as directed. There were a couple of changes in administration. On March 9 and March 12 the Board gave directions to me. It was decisions made pertaining to this organization. One of the on-going projects was for an economic and community developer coordinator position. We have received qualified applicants, we have made phone screenings and there is progress on a community economic development. Drew hopes to have this person hired in the 4th quarter of this year. It depends on how well the interviews go. We want to move quickly but we also want a solid person to fill this position. The other is a Road and Bridge Director where Deb Fiscus was appointed the Road Supervisor on March 9 of this year and has done an excellent job working with Renelle Lott and having information about roads and photographs on the website. We have paved twice the amount of roads as we did in 2011. Deb at the direction of the Board was appointed the Interim Director of Road and Bridge. She has had a very successful 6-months in Road and Bridge and she is well known as she came from the ranks at the landfill and into Road and Bridge. We have accelerated our \$16 million of projects in engineering and road improvement in this last year and set an ambitious schedule. Deb, Matt Hutchinson in Motor Pool and I have met and we have determined our fleet as well as the GNC fleet with 3 vehicles ordered. For all these reasons, I am confident in naming Deb Fiscus as your Road and Bridge Director and her title as General Foreman promoted from that position. I do have the authority to do that and asked that you name her the main Road Supervisor and name Deb Fiscus as a regular road supervisor and I would take the directive to name her as the Road and Bridge Director.

Chairman Martin said that is required in the statutes to name a Road Supervisor. Drew agreed.

Commissioner Jankovsky - I will make a motion that we name Deb Fiscus as our Road and Bridge Supervisor as required by the State of Colorado.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

The Board thanked Deb for a job well done.

Chairman Martin wanted to pass a compliment he received from the people on Kings Row that they put in writing on how much they appreciated the work done.

Commissioner Samson said John Martin and I have gone to quite a few functions and one was the Farm Bureau where we received compliments for the work Road and Bridge has done. We like to hear those comments and again, thank you Deb and the staff for the work you've done and keep up the good work. There have been groups that he's talked to and they all say the same thing, we like what we see and really appreciate it.

Chairman Martin said we are hoping to get the same compliments on the project you are starting today on East Divide Creek, folks up there have pot holes in their roads and

are having a hard time; but, you are already aware of that and I know the project has already started. He just wanted to say thanks to Deb for the fantastic job the department is doing.

Drew stated that in March the Board advised me to build and develop a Communication Department, thus this has been accomplished with Renelle Lott as the Chief Communication Director. On Wednesday, October 3 you will see that we have established a Communications Department with Renelle and four support staff. We did not add new positions, we merely rededicated several staff, one being Renelle and four support staff to assist her. We have transferred two people from the IT department into the Communications Department. What we are doing is brand new for the County and our website has received national attention. Renelle keeps the citizens of the county and the press with updates that are of interest to the public. Renelle and I have held almost weekly meetings plus some and she keeps me aware of the events on the website. We are progressing with a formal designation for Renelle as you Chief Communication Coordinator and devoted some staff to her. We are not asking for additional staff. Drew is transferring an IT specialist's position special to the website under Renelle's direction. The four positions will be a Chief Communication officer, a Cast Communication Coordinator position and two website specialists from the IT Department. Renelle has worked tireless on your behalf for better, more complex proactive press releases than at any time in the history of Garfield County and he is proud of that accomplishment. Renelle is an excellent choice due to her own media background; she is keeping me aware of issues with which the public and media will be most concerned. In fact, today Renelle will be attending a related conference that speaks to the website more, Colorado Governmental Association of Technology (CGIT) being held at the Hotel Colorado as a noon meeting. We will be giving some welcoming remarks on behalf of the Commissioners. The two main aspects of this department will be in response to your direction to me for an internal and external communications as well as updated our extranet site, which is a valuable tool for staff to communicate with each other. Included in that is the internal communication, County Pages. Those who read it like it. Technical on the Extranet, Internet and on the website are the ones devoted to the Fair, Rifle Airport and the main website. All of these will receive attention from the Communications Department. On Wednesday, October 3 you will see in the budget presentation a new line item for the Communications Department and that includes four staff persons, not new position, but re-designated. Therefore, at this time I would like to name Renelle Lott as the Chief Communications Officer. We are investing in these two department (Road and Bridge and Communications) and enhancing both. This is a proud development for County government. By naming Deb Fiscus as your Road and Bridge Director and Renelle Lott as you Chief Communication Officer is adding to our management team in furtherance of your policy objectives. Commissioner Jankovsky stated this is long overdue in this County and we have selected the right person to this position. Immediately, as Renelle stepped into that position, he saw changes and more effective communications to the press and the citizens. It is extremely important as we have gotten to a size of nearly 60,000 in population in the County where our communication with the press is important. Renelle has been important in shielding those, which are valid and which are not and it is



important for us as County Commissioners as well as Drew the County Manager. We do get national attention and it will continue to grow.

Renelle said how much she appreciated these comments and looking forward to meeting your goals and objectives

Commissioner Samson stated that he hears comments and they like to see the work in progress and when they visit the website they like what they see. He brags on Renelle all the time. So thank you.

Chairman Martin said, Renelle you are doing a good job.

Drew said he is looking forward to working with both.

**3. County Attorney Update: Carey Gagnon**

**a. FAA Certificate of Title - aviation easement - Baron Lane, LLC/Levinson Attachment FAA Certificate of Title Baron Lane**

Carey said we continue to complete the agreements and this is a series of projects. The County does have significant aviation easements. Exhibit A describes the easement for the parcels 30, 31, 38 and 39. She requested the Board authorize the Chairman to sign this document. The interest we have is an aviation easement only, not fee interest.

Commissioner Samson - I will move that we authorize the Chair to sign the FAA Certificate of Title aviation easement concerning the Baron Lane and authorize the Chair to sign.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

**4. Executive Session**

**a. Upon the affirmative vote of two-thirds of the commissioners, the Board will adjourn to executive session pursuant to § 24-6-402(4)(b) C.R.S. to confer with its attorney for the purpose of receiving legal advice on specific legal questions regarding Western Colorado Congress v. Board of County Commissioners, Dist. Ct. Case No. 12CV190**

Chairman Martin asked if there was a motion to go into Executive Session.  
Commissioner Samson so moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Mike Samson	Commissioner Tom Jankovsky	UNA by roll call vote

Chairman Martin asked if there was a motion to come out of Executive Session,  
Commissioner Samson so moved.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner	Commissioner	UNA by roll call vote

Mike Samson      Tom Jankovsky

Carey requested the Executive Session be concluded this afternoon at 1:00 p.m.

Commissioner Jankovsky - I will make a motion that we continue the Executive Session until 1:00 p.m. today.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

### **LUNCH - Noon**

### **COMMISSIONER ISSUES**

Commissioner Samson - Today we have the BOCC meeting. I am talking to Aspen Public radio at noon; then tomorrow we have a workshop at 9 a.m. Tomorrow from 10 a.m. to 2:00 p.m. the Lyons Club meeting at US Bank Building. Tuesday night is the political forum in Rifle and Wednesday in Glenwood Springs.

Drew requested the Board start off with the dates of the meeting so we can get them posted when two or more will be attending a meeting.

Commissioner Samson - 9 a.m. on Wednesday, October 3 we have the budget presentation and on the 4th is the EAB meeting at 6:00 p.m. I will not be there because the Rifle Bears plays the Palisade football team and these are the top two teams in the league.

Commissioner Jankovsky agreed to cover the EAB meeting for Commissioner Samson. Drew stated as of March we have been providing enough notice whether it is legally required or not. We publish notice when it is legally required and we notice the meetings on the website when it is beneficial to the public.

Commissioner Samson and Chairman Martin will attend the Silt Library dedication on Saturday, October 6. And also that night on the 6th is the 50th Anniversary Gala celebration for the Grand River Valley Hospital. On October 8, we have a BOCC meeting here in Glenwood and a workshop on the 9th at noon with the Forest Service at the Airport Conference room on the oil and gas leasing on roads in the Forest Service. That is open to the public. That same night I will be speaking to the Boy Scouts giving out Merit Badges and Citizen in the Community, the nation and the world. Wednesday the 10th there is a Federal Mineral Leasing Board meeting that Mr. Gorgey and I will be attending.

Drew said there is a budget presentation on the 10th starting at 1:00 p.m.

Chairman Martin complimented Drew on the dollar signs in the budget posted on those projects. It is a nice touch.

Commissioner Samson said I have a phone conference at 9:00 a.m. with the Garfield County Alliance, which we are members.

Drew asked if it was official that Commissioner Samson is the official representative on that committee.

Commissioner Samson said that is correct. This should be over by 10 a.m.

On October 11 at 1:00 p.m. this is the first publically noticed meeting and it will be for the elected officials other than the Commissioners. One hour will be given to each elected official. I have had input from various citizens that want to know when the elected official will be presenting. They wish to come and have some input. When will we know the order?

Drew stated this Wednesday at 9 a.m. I'll try to announce that schedule as we know it. Commissioner Samson - On October 17, I will be meeting with Jane Whitt the administrative assistant for AGNC for the Rifle City Council. Mr. Scott McInnis and I spoke at the Silt Town Council on Monday night the September 24 and had a very good reception. I feel they will be joining AGNC. That will be our intention to explain to Rifle City Council and hope to receive the same cordial reception as we did in Silt and we hope they too will join AGNC. We have a joint meeting with the Pitkin County Commissioners on October 18 at noon in Pitkin County. On October 18, that evening from 6 p.m. to 8 p.m. I have a Fairboard meeting for the dinner banquet. It's their appreciation dinner.

Commissioner Jankovsky said he would not be attending this as he planned to go to the School of Mines for their oil shale seminar on the 16 and 17 and work with Jena to get reservations.

Chairman Martin thought the legal department should plan to attend this as well so we can a good foundation of understanding.

Commissioner Samson - I would say to note that one that the Fairboard dinner at the Fairgrounds is in the Extension Hall. Then on the 20th 4H Achievement night and both John and I will be attending. That's more of a social thing and don't think that needs to be noticed.

Chairman Martin said we're just there congratulating the kids on their accomplishments. Commissioner Samson said back to the flyer on October 12, I got a call from Mayor Miller asking us to attend this; it will have to be noticed for Friday from 10 a.m. to noon at the Rifle Branch Library concerning the downtown Rifle Design workshop. I think it's informational and what they have in store from 3rd street to 15th street and the Henry Building, which we own and they are interested in it on 3rd Street, the Clerk and Recorder Rifle office.

Chairman Martin said Jean Alberico may want to be there for that discussion.

Commissioner Samson told Mayor Miller that we would be in attendance and now it is official. On October 22, I will be meeting with the mayors at the Rifle City Hall and on the 23rd is the Sage Grouse meeting, our last coordinating meeting at 1:00 p.m. in Glenwood.

Commissioner Jankovsky then on the 24th in Craig there is a meeting on Sage Grouse a cooperating meeting.

Chairman Martin asked Tom what Mike missed in his calendar review for the next 4 - weeks.

Commissioner Jankovsky said not much. On September 20, I did attend the PUC Telecom meeting in Rifle with Carl Stevens. I spoke about the important the Telecom for Western Colorado and we're trying to get a trunk line out to the Airport and how difficult that was and is in the community. I was approached by the person in charge of IT for Glenwood Springs and they have a group that meets monthly and I asked that they send me an invitation to one of those meetings so I could get a better idea of what was

going in our County. On September 21, I went to the Forest Roundtable and it was the first time with the Aspen Institute and I did get a sticker on my car that said "Violators would be Towed" and I was the only one and it could be because of the bumper stickers I had on my window. The Forest Roundtable, I did express that Garfield County believes in multiple use and it was important. That was a different message than what they had heard at most of those meetings. Their meetings are quarterly and this was with the Forest Service and the Fire Departments and the next meeting will be in mid-valley so I'll try to take some staff with me as well. I had stayed away from those meetings but after I went to Washington, DC on for Forest Station etc for Congressman Tipton's Bill and testified, I thought it was important that I attend those meetings for Garfield County. I missed the Safety Meeting on September 25 because I was behind on getting my paper for the County Pages.

Commissioner Samson complimented Tom on his article. It was very good.

Commissioner Jankovsky thanked Mike for that comment. On September 28, I toured the South Canyon Landfill and at some point I would like to hear from our consultants on a business plan for our Landfill. I was impressed how well they reuse the materials coming into the landfill, their recycle use is well done and it is a very clean landfill. I learned that there's a group of bears in the north side of that box canyon, 17 to 29 bears that live right there at the landfill. They come down, get something to eat and then head back to the trees.

Chairman Martin - Our consultants at the Landfill are very interested and I think they are meeting with Drew on a business plan and also a Master Plan where they are going.

That's a consultant working with staff members and I think we will be hearing something from Drew at budget time.

Commissioner Jankovsky said on Wednesday, October 3 at 2:00 p.m. I have a CNG meeting in Rifle or by phone. On October 4, I'm meeting with Julie Kennedy on the Film Festival to talk to her about our sponsorship of that and I will attend EAB at 5:30 also.

Tomorrow, in our budget meeting, we will have CLEER here to tell what they've done with the County and one of the things they will tell us is that we are receiving an award on Friday at 6:00 p.m. at the Hotel Colorado for having the most efficient or the most improved building for efficiency in the County for the County Courthouse. They will be announcing that award. They want someone there to accept the award. I'm planning to attend. I am going to talk to Jena and try to get this Colorado School of Mines scheduled for the October 16 and 17 on oil shale. We will go over our calendars again on the 8th so I will wait to give more then as things change.

Chairman Martin reminded on September 18 the CORRA Workshop and we'll have some decisions to be made. We'll have some policy decisions. That will be presented by Human Resources in a public session. Then there was a fundraiser at Grand River Hospital on the 20th, it was a fun event; then we had the touch of fire trucks on the 21<sup>st</sup> in Rifle at the station north of Rifle and I was the only one in attendance, the general public came. Met with the Farm Bureau folks on September 22 and they are the salt of the earth and keep everything moving. The Fall Arts Festival 50th year and it is the only agency that doesn't receive any funds from any governmental subsidizes kind of support and they've been doing it for 50 years. There are some dedicated folks doing that and Sally Thompson and Tom Berger has never missed a show in all those 50 years. Tom Berger, age 90, did a workshop and it was very interesting. That was set up

on Saturday the 22nd and tear down on Sunday the 30. We had a meeting with Colorado Mule Deer and vegetation management, we had Steve Anthony, Kirby Wynn and Fred Jarman on the 25th, it was a good meeting and they explained what they do on pipelines, roadway, public and private property establishing habitat and the reintroduction of Elk and Deer into the different areas. They concentrate on Mule Deer and what makes Mule Deer survive. It was very interesting and informative, a good eye-opener for everyone. I had an interview at Aspen Public Radio on September the 26. Met with the City of Glenwood on the 27th and then we have the Lyons club, you mentioned, EAB mentioned, and on October 4, I am meeting with the neighborhood up at 11th and Cooper area, we have a bunch of rumors flying that Garfield County is going to do away with the Axtell park, cut down all the trees and build a parking lot. That's a rumor folks so we're meeting with the neighborhood at 9 am.

Commissioner Jankovsky - We talked about that some at our City of Glenwood Springs Council meeting last Wednesday and there is no intent to cut down the trees. We talked about the exchange of that park with the City. We want to keep Axtell Park the way it is.

Commissioner Samson - Forgot to mention on the Wednesday, the 26th I represented us for the signing of the IGA at the Burning Mountain Fire Department, there were about 50 to 100 people and it was a historical event for Garfield County.

Chairman Martin - To be prepared I think there's a group of folks, a school district, the county and a non-profit on the Little Red School House in Canyon Creek. It is owned by School District RE1 and many user groups are involved and the user groups wants to do some historical work. We'll have to listen to them and see if we are able to help them with some infrastructure stabilization. We will hear a proposal.

Drew has two items, one was the Rifle Airport hosted their annual fly-in on Saturday and it was extremely well attended a credit to Brian Condie your airport manager and the entire staff out there. I participated and got a certificate showing me successful landing and taking off from highest airport in Leadville where they also had a corresponding event and a pancake breakfast etc. Very grateful from the pilot at the school in Grand Junction a volunteer and it was an excellent opportunity to show off the major aspects of the Airport and one of the corner stones of your major economic development. The second is we will have the preview of the budget presentation and wanted to emphasis that this is important and we've said this several times. The capital projects and the requests that have already come and will continue to come have to be in a strategic plan and previously you have seen strategic plans earlier in the year, based on your direction you actually advanced the strategic plan before we started working on it by redirecting capital to Road and Bridge projects this year and by capital funds paying off your Certificates of Participation (COPS) and have probably done more action than strategic planning already in 2012 than in any other year and you are to be commended for doing that. The reason I bring it up as we said in Glenwood was that although some municipalities have been served, Silt with a million dollars for infrastructure and Rifle with the infrastructure for the theater, the UMTRA site and other projects, Parachute with the West Parachute Interchange and a request to DOLA on their request for the UNA bridge and other projects. Your fund balances are to the point where you really must pick and choose and there are certain projects that will be funded and there are others that will not. Part of that it is the County's own needs for the Glenwood Campus, for whatever changes you might make in Rifle and that each and every one of these

upgrades, refurbishing older buildings, purchasing new buildings, building new buildings and a parking structure, acquiring real estate for all of the above, your generosity has reached a point where respectfully charity begins at home and a concrete plan for some of the core county needs is my responsibility and Ms. Driggers responsibility and others to present to you in a comprehensive way so simply because the way things have transpired in 2012, we will be hearing from you what your policy directions are and then we will be able to tell you given fund balances and predications for revenue what we can and cannot do.

Chairman Martin said that will be discussed with each elected official during the budget process on what they are going to be needing and expecting it into the future short term and long term so that we can do that. Then I think we should go ahead and get with you, your staff, legal and department heads and working out the true comprehensive plan we are working toward.

Drew said he appreciates you saying that and elected officials and that is exactly the plan. The noticed budget hearing for October 11 will be continued to a series of half days in November. We presume you will not need all the half-days for the budget and the balance of that time will be used to talk about the comprehensive plan that you just mentioned. I have meetings with your elected officials at your request and direction and every elected official has been advised that whatever policy direction they would like me to follow because a lot of assets go to those elected offices that I will be getting their policies directives also. Then finally on December 7 your management team, myself and all of the directors and managers will be conducting our own retreat so we can figure out how best to marshal the human, financial and assets of your policies and the policies of the other elected officials. Drew commented the Board was welcome to come but it would change the tenure of the meeting.

Chairman Martin agreed and said it would need to be an honest exchange with you and the staff understanding what our polices and directives need to be and how we can accomplish it. Their input is very valuable.

Commissioner Jankovsky - Before your December 7 meeting, I think we need to have an honest and transparent discussion about what our policies and directives are for the County Commissioners. I hope that gets done through the budget process and if it doesn't happen in those dates set up then we need to put in some additional dates because it is extremely important.

Drew agreed and on October 3 maybe we can schedule a one additional half-day as a safety value and if it isn't covered in the budget hearings we would have that half day. I will also be meeting with Jean, Georgia, Lou and Jim and at least give the opportunity to meet with the District Attorney, Coroner and Surveyor to get their input.

Commissioner Jankovsky - I can see how policy coming from this board but there is a general policy how we operate but it gets down to departments groups as well and that again is numbers we put in the budget and how we see the departments operation. There are verbal policies but written policies with them.

Chairman Martin said we will recess and then we have a continued executive session at 1:00 p.m.

### **Continued Executive Session**

## Travelers Highland Public Improvement District

### COMMENTS FROM CITIZENS NOT ON THE AGENDA: 1:00 p.m.

Drew said he wanted to acknowledge your donation to the Silt Hey Days event committee, they have sent me back a letter of thanks. I also wanted to update you as your official election designee on Referendum 1A and simple tell you that we did advertise in the newspaper and did receive comments in favor and opposed to the question. With the expertise of the County Clerk and with some expertise from our finance department I was able to complete a Tabor Notice, which will be mailed to voters in the election and that took place late last week.

Chairman Martin thanked Drew for doing this.

### REGULAR AGENDA: BUILDING & PLANNING ISSUES

#### 1. Colorado Department of Transportation discussion of issues and future projects - David Eller, Region Director

Dave Eller Regional Transportation Director; Joe Elsen East Program Engineer; Zane Znamenacek Traffic Engineer; Mike Vanderhoof Planning and Environmental Manager and Commissioner Doug Eden were present.

Dave Eller submitted a book that included all the projects planned for the year. Region 3 is the larger one in the state and Garfield County is one of those. We have 14 counties. He explained fully the handout presented. He touched on the FASTER Bill for the Grand Avenue Bridge and cost of \$47.7 million.

Chairman Martin noted we are keeping an eye on it and also Hwy 133 for next year 2013. We are partners now on Hwy 133, the State Highway 82 and County Road 107.

Dave Eller listed several projects one being the Eagle roundabout at the interchange and the rock fall on Hwy 133. Glenwood Canyon is \$5 million and we will supplement that with FASTER funds. In Canyon Creek we are looking at a game fence along I-70. In Rifle we are looking into a roundabout in cooperation with a private property owner at White River and Hwy 6. We are working on the north side of State Hwy 82 and the CMC for a grade separation intersection with T intersections. These are on the list for funding in 2013 and the project in 2014 potentially.

Zane presented the traffic and safety reports and this includes all roads in the County. He said 10% of all crashes are due to individuals not wearing seat belts.

Chairman Martin mentioned we have the enforcement of the Model Traffic Code and the focus on traffic.

Zane related that there was a 14% fatality in Garfield County compared to 28% in the other areas. In Glenwood Canyon we will change the speed limit to 60 mpr and keep the 50 mpr for trucks. We are working on the advancement of fiber optics so we can tie together the Hanging Lake Tunnels with other operations and this may not occur in 2013 but in 2014. Some statistics were given in the Canyon. The tunnel crews respond to an average of 850 incidents per year in the Glenwood Canyon. The electronic signs are working well as well as the Smart Signs on the I-70 corridors.

Joe Elsen gave an update on State Highway 13 from Rifle to Rio Blanco County line and what they propose such as 8 foot lanes and passing lanes. State Hwy 13 Rifle to

Rio Blanco County Line will have 8' lanes and passing lanes. Other items mentioned were the South Canyon Trail and the Halloween ribbon cutting at the West Parachute Interchange.

Chairman Martin gave updates on the Traveler's Highlands east and west intersections and the UNA Bridge replacement for 2013.

**Consideration of a Memorandum of Understanding with Carbondale Investments, LLC regarding the intersection of State Highway 82 at the Junction of County Road 110 and County Road 113.**

Rocky Shepherd and Carey Cagnon presented.

Carey stated as background the County approved a proposal last December 2011 for the Rivers Edge Project PUD and a Subdivision Preliminary Plan. It consists of 366 dwelling units and is located on the parcel on the west side of Hwy 82. The main access for that subdivision is on the west side of 82 across from the junction of County Roads 110 and 113. Based upon discussions and the ultimate approval of that project, the Carbondale Investments LLC has offered to contribute to the improvement of that intersection so the east and west sides would align and it could move forward as one project. Carey has been back to this Board several times as we have worked though what that means with the offer to combine needs as to who would move the project forward, how to coordinate properly and to meet both the county needs and the developers needs and reach an agreement on an MOU. You have had that before after many meetings with the developer's team, engineers, project team and those at the county as well as Jeff Nelson and Betsy Suerth who have done huge amounts of work. We have involved the County Manager, Road and Bridge and the County Attorney's office. Carey highlighted some of the paragraphs and then entertained questions. There is a schematic of what the parameters would look like and what this project was going to entail versus a blank check. The reimbursements are outlined in the document.

Commissioner Jankovsky noted there is quite a lot of right of way acquisition needed.

Carey said the developer is required to obtain the access permits from CDOT and they are working on it. The MOU does address what each party is responsible for and moving forward on the request. Each party is responsible for filing the paperwork for each side of the highway. The County would be responsible for the east side improvements and the developer for the west side improvements.

Chairman Martin said this would be one access agreement with CDOT.

Carey said the engineering will drive whether this is one contractor or two. Preliminary RFPs is to have it out by the end of the month and Jeff Nelson and Jamaica Watts are ready to move once we get the design.

Chairman Martin said we're hoping to get a contractor to do both sides of the highway.

Carey said Exhibit A is not the final design but it does give credence to the RFP of what the scope of the project would be. The intent of the extension is due to the lack of being able to construct this MOU and getting the RFP out and back. Therefore, if there is a delay in the December 2014 first final plat, then that would be a legitimate reason for the delay and a request for an extension.

Commissioner Jankovsky asked for briefings on various paragraphs within the contract.

Drew commented that the east improvements have been on the radar for the County and therefore in the MOU process when the applicant offered to accept that it put your



Land Use Power in competition with your responsibility for your roads and bridges in the County. I'm proud of the County Attorney's office during this interim period, proud of the applicant's engineers and proud of our own engineering department and what ultimately got this done was engineers talking to engineers about an agreed upon design that both serve the needs of the intersection. What you are effectively committing to is a superior design from what was originally contemplated and one that will either serve the needs of the County independent of this development or serve the needs of the County with the development.

Rocky stated that it was a lot of work and it turned out great for all of us.

Commissioner Jankovsky said it was a good MOU and easy to read.

#### [Attachment MOU with Carbondale Investments](#)

Commissioner Jankovsky - I will make a motion we approve this Memorandum of Understanding with Carbondale Investments, LLC regarding the intersection of State Highway 82 at the junction of County Road 110 and County Road 113 and allow the Chair to sign.

#### MOTION

Commissioner  
Tom Jankovsky

#### SECONDER

Commissioner  
Mike Samson

#### VOTE

UNA by roll call vote

#### [Comment from a Citizen](#)

James Harris - I hate to throw a damper in the middle of your meeting but I have little power and I'm asking people here and I'm going to be sending a letter to the Board tomorrow. I am asking you to take a hard look at a problem that has affected my daughter and grandchildren. If you believe it's of merit, I need names and all the help you can give me regarding Judge James Boyd to be removed from the bench. I believe we cannot afford Judges who are either overworked, ethically challenged, disinterested or lacking judgment. There was a 12-page ruling basically taken into effect, a total of \$226.00 a month from the household of \$11,000 a month from the ex-husband allowing him to fly causing my daughter to reimburse him for flying first class, which he does now to visit them. It has ending up putting them in a position where they are barely able to survive. That's just one of the things in this order and there were a lot of other factors that I will include in the letter so you can judge it. One of the things I read yesterday and maybe it's important, more than it being a cause of conflict of interest but it states that Judge Boyd and Judges in this district are over loaded by 60% and does that mean they turn a 5-hour day into an 8-hour day or if they turn an 8-hour day into a 13-hour day. But if that means they are overworked it may be the reason the judge did not read 31-pages of pleadings with the extreme document support for reversing his decision that he had made. He just ignored it and rubber stamped the order written by the party; I can't find out who the chairman of the committee but she was the ranking member, so I would not be surprised if she were the chairman. I'll fill you all in with the letter and I just ask that you take note of it. Whether this results in vengeance is not as important as it results in guidance realizing that someone will stand up to him and judges are not gods even

though at times they believe they are. There is very little recourse for a person and the judicial review committee in Denver, which is the first line of defense, deals only with official misconduct; it doesn't deal with lapses in judgment or lack of effort etc. I didn't come to ruin your day.

Chairman Martin noted to James that he did not ruin the Commissioner's day but advised him that we do not have authority over any judge if anything as they are a state agency and we provide services for them. I do believe your comments are worthwhile; it needs to come forward, we'll look at it and assist you in the path you need to take to resolve this issue.

James said he is old enough to realize that if a person is right and they do perceive a situation like this correctly but they are probably not isolated. There are other people that probably feel the same way I do plus causing uproar does bring more results than other ways sometimes.

Chairman Martin said and you followed my grandmother's advice, speak when you're angry and you'll make the very best statement you'll ever regret. So you did a good job, thank you for putting it down on paper and let's see what we can do to help you and we will do that to the fullest extent that we can. We don't have jurisdiction over judges but we will guide you in the right direction.

James said, to show you how important this is, my daughter is not here because she's married to an active duty service man in tip top shape and been employed several times, and as a result of the stress this placed on the family, and the fact that this reduced them to where it hurt the income of the family, he's had three heart attacks in the last month amazing for a top fit active military serviceman. I'm just being the pinpoint man.

Chairman Martin thanked James for bringing this to the Board's attention. After we receive your letter we will see what we can do to help you.

James was very appreciative.

## **PUBLIC NOTICE**

### **TRAVELERS HIGHLAND PUBLIC IMPROVEMENT DISTRICT**

Commissioner Jankovsky - I will make a motion that we suspend the Board of County Commissioner meeting and go into the Board for the PID meeting for Traveler Highlands.

#### **MOTION**

Commissioner  
Mike Samson

#### **SECONDER**

Commissioner  
Tom Jankovsky

#### **VOTE**

UNA by roll call vote

## **Roll call for the PID**

Jean called the roll and all the Commissioners were present.

Deb Fiscus, Road Supervisor and Carey Cagnon as the acting attorney was given the responsibility to be the attorney for the PID and both presented.

Chairman Martin confirmed that Carey was the attorney for the PID and not the County. Carey did the notification requirements and Deb described the process. Carey advised the Board they could proceed.

Deb Fiscus stated we have created a plan for improving the drainage in the roads and if appropriate the County could supply some of the rotomil we have stockpiled to the PID and extend that about 50 feet back from the entrance to keep the rocks and dirt off of Hwy 6 to satisfy CDOT. Then we would reestablish drainage and we would like to add three to four inches of gravel on the roads and even top it with Mag or a Mag mix too try and keep the gravel in place.

Chairman Martin asked if Deb had a tonnage on what gravel was needed. Last year we did 1000 tons.

Deb does not have a tonnage, we were going to start at the entrance and then go over all the way to the north for the entrance and then west in the busier roads.

Chairman Martin said there are three roads; take the first road, which is closest to the drainage area on the County right-of-way.

Deb agreed. I wanted to let you to know that and see if that was in line with what the PID wanted and the approval to move ahead with this and we would put an RFP out for bid.

Chairman Martin said one of the things, the big issue is that it has to go out for bid but do we have an engineer's cost and we have to see what's in our balance so we are able to obligate those funds and meet our obligation to the County on the payback for the intersection.

Deb said the payback has already taken place, we have \$85,000, part is for gravel and part is for work for 2012.

Chairman Martin said we have not collected 100% of our funds but we have collected \$46,000 in the bank and we have to verify that with the treasurer. There is anticipated revenue throughout the rest of the year.

Drew said Directors; I think you are going to be safely within your budget, we were trying to make use of these funds with whatever season was left. County staff really concentrated on county roads and getting your direction for the spring in looking over the to-do list. We are trying to do as much as we can and you are not going to be close to hitting your budget maximum.

Chairman Martin noted this is a special assessment to the taxpayers and we don't want to overburden them with these expenditures.

Commissioner Jankovsky said if we can get this work done before winter then that will help when we get back to spring.

Chairman Martin said even when it freezes and thaws that water is running and being picked up, so if we are able to contract, get that done and supply the rotomil from the county that would be great.

Deb believes the rotomil will hold up on that road but it all depends upon the type of winter we have. I don't know what the average drainage would look like in Traveler Highlands but then if we could get this top earlier and get with CDOT to top that end then that would help everything we do in there.

Chairman Martin said there is a man-made settling pond and at that point it blew out the side and flooded the entire area and flooded buildings as well. Earlier I would say that CDOT did not acknowledge their involvement from that sheet flow from the north side underneath I-70 to the Travelers Highlands but after a conversation they now realize they are part of the problem and part of the solution, so hopefully we can get that

accomplished. But we still need a drainage study. That is going to cost some money. But if we can keep it from rushing across the County or the State right-of-way... Deb said it now goes along the State right-of-way and it doesn't follow any predetermined plan.

Chairman Martin - We need direction.

Commissioner Jankovsky said I think we need to move forward.

Commissioner Jankovsky - I will make a motion we come out of the Travelers Highland PID and go back into the Board of County Commissioners.

Chairman Martin said we need to get a contract and a price for the rotomil and make sure procurement is following through.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Drew stated that the Procurement Code went into effect today.

### Executive Session - Resumed

Commissioner Jankovsky - I would make a motion that we resume our Executive Session.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Commissioner Jankovsky so moved to come out of executive session.

<u>MOTION</u>	<u>SECONDER</u>	<u>VOTE</u>
Commissioner Tom Jankovsky	Commissioner Mike Samson	UNA by roll call vote

Carey stated there was no public action required.

### **TOWN HALL AND REMOTE MEETINGS**

Drew asked the Commissioners if they wanted to keep the same town hall and remote meetings as they did in 2012 and if they wanted to keep the same months for these meetings at the same time and places.

The Commissioners agreed.

Drew said we want to do more publishing on these meetings so more people will attend. Drew added it was not too soon to start putting these in place.

### Adjournment

**October 3, 2012**

### **PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

## **GARFIELD COUNTY, COLORADO**

### **ROLL CALL - 9:00 a.m.**

#### **1. 2013 Proposed Budget Presentation**

##### **2013 Proposed Budget**

Chairman Martin thanked Drew for all his hard work and we did receive the budget books from Ann Driggers. We will start with you Drew and then turn it over to Ann. Drew said he had a short presentation at the beginning and end of the presentation. As an introduction to the budget, Statute requires this presentation of the budget to the elected officials and to the governing body of the local governments and make it available for public review. We have made this budget available to the Garfield County Board of Commissioners, as well as the PID, Travelers Highland. He began with thanks to Ann personally and every member of the finance committee for all the work done to put this budget together. He thanked Commissioner Jankovsky who invested his time for the second year by visited with each elected official and department head to review their budget in one-on-one meetings with him, Drew and Ann. It makes for a better budget and the budget hearings line-by-line were better for having done them last year. He thanked every department head and those who support them for the presentations. You have an excellent budget in front of you. The Budget will be available on line and for review in book form. The completed Policy Directives directed from the Board of County Commissioners were carried out and include: Organizational and Financial. Those completed activities include the following:

- Restructuring and managerial downsizing
- Expanded Road and Bridge/Engineering projects
- Unified Land Use Resolution targeted improvements
- Revised Procurement Code
- Enhanced Communications functions
- Defined County role in Economic Development
- All County buildings owned free and clear
- Strategic capital purchases for facilities
- Infrastructure support to municipalities
- Air quality monitoring study

##### **Financial**

- Reduced fund balance from \$125 million to \$113 million (estimated)
- Retired 2001 and 2006 Series COPS, \$4.4 million in future interest savings
- Investment Advisory Board
- First cash flow analysis
- Increased investment earnings
- Reaffirmed Federal Mineral Lease District

These were all policy directives given by this Board.

Ann Driggers presented the 2013 Proposed Budget saying this 2013 proposed budget is policy driven, the BOCC sets policies, priorities and practices to meet the needs of Garfield County citizens, countywide elected officials set policies for their offices, county

administration serves all with fiscal responsibility, sound financial management and policy driven strategic planning.

Included in the budget were: Revenues and expenditures, personnel budget, fund balance projections, general fund, capital fund, public health fund, road and bridge fund, human services fund, oil and gas mitigation fund, community events fund, airport fund, solid waste fund, motor pool fund and a summary.

Revenue Highlights - 2013 Total Revenue \$105,598,204 a 7% decrease over 2012 Amended Budget (\$113.3 million)

Property tax of \$53.6 million an increase of \$2 million or 31% with no large refunds expected.

Intergovernmental revenues decrease by \$10.9 million (28%) largely the DOLA grant for the West Parachute Interchange in 2012.

Investment earnings increased by \$370,000 (52%)

Human Services and other grant allocations remain approximately the same as 2012.

Ann gave the sources of revenues from taxes, licenses and permits, IGA, charges for services, fines and forfeitures, investment earnings, contributions and miscellaneous revenue. The largest percent change was from investment earnings of 52%. Taxes generated proposed for 2013 are \$63,515,162 a 7% increase from 2012.

Expenditure highlights were the 2013 proposed budget appropriates \$122,915,559. She said without Interfund transfers expenditures are a decrease of \$21.4 million from 2012; operating expenditures decrease of \$1.4 million, a balanced operating budget, overall capital decrease of \$24.1 million through increased projects in Road and Bridge and other expenses increase \$41. million for infrastructure funding for other governments, and sales and property tax distributions and collection fees.

The use of funds was presented with a potential increase of 3% for salary and wages and contingencies as well as for performance increases. Which are subject to separate review and approval of the Board of County Commissioners. The personnel budget of \$37,709,440 is a total decrease of 0.5%. We expect health insurance increase of 10% beginning July 2013. The positions in the County number 486 with a net increase of 1 position, 27 positions eliminated in 2011, 2 in 2012, 8 in 2013 and added positions included 7 in 2011, 6 in 2012 and 9 in 2013 for FTE increase of 3 and PTE decreased 2. The Sheriff department is the largest department with 151 and all other department's total 152. The General Fund expenditures were decreased by 5% from the 2012 amended budget due in large part to the interfund transfer out of the general fund in 2012 for the Certificates of Participation (COPS) payoff. Many departments and offices have reduced their operating costs. New departments and capabilities added include Community Development, Vegetation Management and Communications. There was an increase in fund administration costs due to increased tax distributions and collection fees. Ann showed charts explaining the total expenditures of \$47.5 million a 5% decrease from the 2012 budget.

The Capitol Expenditures Fund was summarized and Ann explained the revenues were down 98% from \$26.5 million to \$490,000 and no property tax allocations of IFT's budgeted for 2013. There was a significant decrease in expenditures of approximately \$29 million or 88%: COPS payoff total was \$15.7 million, the West Parachute Interchange was \$12.3 million occurring in 2012 and the payoff of the COPS resulted in

total future interest savings of \$4.45 million and savings in 2013 of approximately \$674,000.

The capital expenditures fund highlights were given with the proposed expenditures in the 2013 budget including the Sheriff's Office - Jail Central Control Board using the (SCAPP grant); computers and equipment for various departments and offices; software improvements for Building and Planning, Department of Human Services, Information Technology and Finance; Facilities and Fairground improvements and Vegetation Management building. Ann went through the Public Fund showing a decrease of 6% and expenditures of 10% from the 2012 budget. They will implement new programs for 2013 including the Environmental/Air Quality Monitoring; Healthy Eating/Active Living and the Live Well programs.

The Human Services Fund revenues will increase 11% from the 2012 budget. In the road and bridge fund the revenues increased 39% due to property tax allocation of \$16 million (\$9.5 million in 2012) needed to maintain the fund balance and expenditures increased 20% largely due to capital and municipal property tax distributions. The Infrastructure budget increased 41% over 2012. The road and bridge fund general operations and maintenance budgeted similar to the 2012 amended budget; vegetation management moved to the general fund and the suggested capital projects for 2013 includes:

- Battlement Mesa Drainage projects
- Black Diamond Bridge
- CR 109 Hardwick Road Stabilization
- CR 115/121 School House Reconstruction
- CR 169 Oak Meadows Bridge
- CR 210 Mile Pond Road Reconstruction
- CR 311 (Upper) Reconstruction and
- Una Bridge Construction for a total of \$16,150,000.

The oil and gas mitigation fund revenues for estimated Mineral Severance Receipts and Expenditures for infrastructure are budgeted as follows:

- Silt IGA \$1 million
- Rifle IGA \$700,000
- New Castle IGA \$500,000

The recent requests from Carbondale and Glenwood Springs were not included.

There is a significant increase in the County Fair expenditures proposed for 2013. Revenues projected of \$142,400 and expenditures of \$325,842. The Air Show revenues are projected at \$7,500 and the Expenditures of \$315,000. The Fly In expenses are \$25,000. The Airport fund expenditures are \$1.79 million, a 55% decrease with no IFTO in 2013. The proposed expenditures include Land Improvements such as Fog Seal for the Runway/Taxiway and Apron; Heavy equipment for the Air Field Tractor, Snow Removal Equipment and the Airport Master Plan. The Solid Waste Disposal Fund for budgeted capital expenditures of \$851,000 for land improvements and heavy equipment and a focus on developing a business plan and long-term financial sustainability. For the Motor Pool fund the proposed replacements include 3 motor pool vehicle all CNG and 10 Sheriff Office vehicles of \$2,070,398 a decrease of 12%. The 2013 Fleet will include 185 vehicles and includes 35 hybrids and 6 CNG vehicles. This has decreased by 5 from the 2012 budget.

Ann gave the budget summary:

- Reduction in operating budget
- Reduction in personnel costs
- Headcount maintained
- Balanced budget
- Second year of increased Road and Bridge infrastructure and maintenance
- Year end 2012 with plus \$113 million in fund balance
- Proposed budget ends 2013 with \$98.8 million in fund balance
- Fund balance draw down for infrastructure funding.

Drew closed the budget hearings with the next steps, calendar for public hearings of:

October 11 - Elected Officials Budget at 1:00 p.m.

November 8, 1:00 p.m. (changed 12-11-2012 to 8:00 a.m.)

November 9, 1:00 p.m.

November 16, 1:00 pm and as needed any additional

Drew stated these are Policy Driven Strategic Planning for Short and Long-Term County Needs and the 2013 Budget will be adopted on December 10, at 8 a.m. at the remote meeting at the Silt Firehouse.

Ann presented the overview and all other aspects of the budget.

Drew ended up with the next steps as listed.

- October 11, 1:00 pm 1/2 day slated for elected officials
- November 8, 9 and 16 at 1:00 and more as needed
- Policy driven strategic planning; short and long-term County needs and
- Adopt Budget December 10, 8:00 a.m.

### **Comments**

Chairman Martin recognized the tremendous amount of work done by the staff and Drew. Drew stated the public has a right to inspect the County Budget and it will be online for review stressing that every penny belongs to the taxpayers.

Drew had Kirby Wynn come forward and related the strategy we are implementing this year as he stated at the very beginning of the presentation and that is simply to ask the Board of County Commissioners and ask each of the elected officials what is their policy and vision for 2013. We feel we have a pretty good understanding of that already based on the first slide presented to you showing the completed policy directives. This is structured so that at the end of this process you will not only have an adopted budget but you will have an adopted strategies plan that is forward looking for the needs of the county including capital needs in all the municipalities including assisting in economic development, social services, public health, roads, bridges and in fact everything you do in as much detail as we can possible be. Whether that is a 5-year window or something longer or shorter we'll decide together. We know that the County has both short term and long term needs and we will have to address all. The deadline for us is December 10 at 8:00 a.m. that will be the hard stop for adopting the 2013 budget. The public has a right to inspect the proposed budget and it will be on line at the end of today and a hard book copy is available in the County Manager's office located in the Administration Building on the 2nd floor. Any citizen who wants to lodge an objection, compliment or raise a concern may do so at any time and we invite all of them to every budget hearing.



I'm certain we will have participation this year on the budget. What I would ask everyone, because this is a new approach to try and develop strategy at the same time. We are doing budget hearings is cooperation, patience, innovation, imagination and a spirit of working together on all of this money, none of which is ours, it all belongs to the taxpayers. We have a supreme duty to manage this money to the highest fiduciary duty and be careful with it. Thinking ahead at the same time we're looking at a new bridge, access onto Hwy 82 and Hwy 133 and at the same time we are looking at significant challenges with our primary taxpayer, the natural gas industry and at a time of political change nationally and at a time of great economic change with our citizens who are still dealing with foreclosures. We have to be smart about this, we have been smart about this so far and we're going to continue to be. Our job is to help support your vision and that of the other elected officials. It is a big responsibility that we are taking very seriously and we will deliver. Thank you.

Chairman Martin thanked Drew and asked for comments in reference to the presentation or questions you may have on timing.

Commissioner Samson thanked staff saying we have good staff from the top with Drew and going down through the different departments. We have loyal dedicated, work hard staff and he believes in us. He made this abundantly clear at last night's debate. I believe we as Commissioners work hard also and together we make a great team. Drew alluded to this and wanted to emphasize this as a Commissioner of Garfield County saying he feels he has to watch closely what's going to happen on the national scene. Depending on what happens nationally he thinks this will matter a great deal to what happens what the relationship with the federal government in Garfield County will be. We will have to wait to see what happens with the election as well as the state election and he hopes relationships will be mended, improved and a good working relationship with the state and especially the federal government. If my wish doesn't happen, then I think we are going to have to look at our budget ever closer because he worries about things and especially about the United States of America. He worries that we are \$16 trillion dollars in debt as a nation. Garfield County is a small part of the United States but he thinks it is a very important part of the United States. He would hate to lose the nation and win the county per se. Those are concerns that he has for Garfield County and the future of our nation.

Chairman Martin thanked Commissioner Samson. Turned to Commissioner Jankovsky for his comments since he had dedicated a lot of time to this budget, actually you've done a very good job. Getting involved like we asked you to do last year and again this year line-by-line and the process has gone well.

Commissioner Jankovsky said first he appreciates Drew's comments especially that he listed our accomplishments for 2012. That was excellent and Ann these are accomplishments of this group that it's front of us. We do set policy, go to many meetings and it gets to the ground where you guys are the ones who get these things done. We've accomplished a lot in the last year and thank you for that - good job. I do look forward to the budget presentation and do not mind digging in detail and asking tough questions. I like to do that and it's really the only chance we have to directly talk to department heads and ask them about what are you thinking and what are you doing. Those are the policy things that Drew is talking about. One was, we are going out to bid for snowplowing in the west end of the county. That's a policy decision in numbers and

saying we're not going to do this in-house, we are going to have someone else do it. Those are some the things that Drew is trying to get on paper because this is a business plan on how we are going to operate the county for another year and it's all in numbers. Drew is doing a good job of pulling out what is the policy and what's being said with Ann's and all of your help. I do look forward to the budget process and being able to talk to the various department heads directly. I think it's very informative for the three of us and it's a chance for the department heads to get direct feedback from this Board. The balanced budget is very important, thank you Ann that is definitely a policy that is important to the three of us. We have one more year of increase in property tax and then 2014 is going to be difficult, I'm guessing there may be a \$10 million swing in property tax because of what is going on with the price of natural gas. We are blessed as a county to have these resources in the earth that our county has these and we receive incredible property taxes from them but they are somewhat volatile and the gas is driven by price. The gas is still there and it's going to continue but the price has dropped significantly and we will see that in 2014 and in 2015. My accommodations to this group and all of the employees for Garfield County because what you do is tremendous for this county and this county is in a better position than any other and many places in the United States. It is tough for our citizens but what we are able to give back in this economy and where this county is going is positive and outstanding what our employees do and thank you.

Chairman Martin asked to hear from any elected official. Lou is 50% of that budget and asked if he had anything he wanted to talk about.

Lou - When I first started coming to these presentations, it was more of an adversarial spike with the Sheriff's office and the amount of money we spend. We were always defending ourselves because we have to run the jail, have to provide care for the inmates and have to respond to crimes. The whole philosophy has changed and it's because of the players involved and that is the three Commissioners, Ann and everyone in the finance department. The working relationship is amazing particularly when talking to other sheriff's and hearing the difficulties they have dealing with their county, commissioners, budget, etc and so I think that's a great thing because of a proven track record on both sides of this table. I am very pleased with what's going on and as I stated a few years ago, we are saving money, our budget grew when the county grew and we are stabilized because the county is stabilized. On top of that we are finding ways to save and we're coming this year with a zero cost increase in our budget and that includes the 3% that you are considering putting in for performance increases. So we obviously had to find that money somewhere else. We are trying hard to maintain that and the objectives this Board set out and overall, I just have to say there's no anxiety coming to these budget presentations like there used to be. It is now a pleasant experience and it is more of a working relationship and a partnership. I would like to compliment Tom Jankovsky because he is the chosen one to go through the budget line by line and when he meets with me and the other elected officials he is respectful and realizes we are not a department but an elected official, and our budget is a little different it's different in terms of the Board can approve or not approve the budget not getting involved in the operational process; but we spend time talking about it, we point out things such as the significant decreases or increases and the reasons why. It just makes the process and again, we came in with a zero increase for the 2013 budget. I

have to put this on my staff, Kathy Redman and others who had a piece in doing that. The process is the best process I've been involved in the 10-years as I have served as the Sheriff.

Chairman Martin thanked Lou and called on Georgia.

Georgia said I'm different than Lou as she tends to shy away from speaking in public and also my budget is only 2% of the county budget; it's a much smaller department. I think Lou spoke very well about the new flavor of doing the budget and it's more empowering and encouraging to us to make our offices and provide the best customer service that we can. Make our offices better; stay up with the times, always legal in our approach and putting the customers, which are not on the citizens of Garfield County but the rest of the county in the forefront. She appreciates the tone the Commissioners have set, the County Manager and the Senior Finance Officer. They are very helpful and I think Lou said it well.

Chairman Martin said you have noticed walls being broken down haven't you.

Georgia said yes.

Jean Alberico said well I agree with both Lou and Georgia. We meet monthly with the administration and those meetings are extremely valuable; I think we are being heard and appreciate the support we are getting from administration and finance. Things were a little bit stressful where we had to estimate the year and that set us in a panic but we had great help and at the last minute, phone calls were answered. I would say the whole process, not simpler but less stressful with very good direction, very good guidance and I really appreciate Commissioner Jankovsky has taken a closer look at the budget but now like an axe, he is just asking good questions, looking at many things and I think that is good for the entire county and the taxpayers. And our goal is to provide the best service for our citizens and taxpayers economically and efficiently.

Chairman Martin called upon Martin Benson's representative Bill.

Bill Bunworth said not being the elected official but I don't ever remember being asked for a comment. Once again, Martin would ask me to let you know he is on a case we have coming up for a jury trial starting in November, otherwise he would be here. It's very important that he is there and it is something that has taken a lot of resources for all of offices and we're hoping to get through it and have a good outcome. We are always very supportive of Garfield County, our relationship and particularly with the Finance Department, who we work with more than any other department. It's been wonderful and we appreciate the support you give us and Lou made a very good point that probably like the Sheriff's office, we grew when the county grew and now we are stable, and not growing at the moment. Thanks for your support and please let us know if there's something we are not giving you.

Chairman Martin - 76% of your budget is coming from Garfield County and two other counties, Pitkin and Rio Blanco make up the remainder.

Bill said that 76% is a big number and an important percentage for us.

Chairman Martin wanted everyone to know that we don't totally fund you but the other two counties cover the 24%.

Bill said we will be here next week to talk more about the budget.

Chairman Martin said Bill has been working hard on that budget and thanked him for doing that for the District Attorney's office.

Drew finished up by saying at some point; I did want to say I'm proud of everyone here. I took view of the monthly meetings with the elected officials as an essential relationship having worked in County Government for, if you count my DA years, 13 out of the last 15 years. I have seen many elected officials, Commissioners and other elected officials come and go. I'm a student of County Government in Colorado, student of County Attorney's offices, students as much as you can be without calling it official but I do enjoy studying it. I mention that to tell you I've never seen a County with elected officials who are as collaborative and productive as you have been this year. It is rare and the public needs to understand that you are not all coming from the same point of view; you're not all from the same party and that you do get along despite those differences is an example to anyone who doesn't. I'm proud to serve you and all the elected officials. I think I said this at the picnic that I will give you my best for as long as I'm here. It's been a challenge, an incredible burden on the County Attorney's office and I've very proud of them just because of the way the transition between County Attorney and County Manager has gone. It has been very burdensome on the management team, extremely burdensome of the County Attorney's office and I'm proud of them all sincerely and thankful. So anyway, we have a lot of work to do. We will be diligent in preparation for all these budget meetings. I would not be correct to tell you there may be some pretty significant moves in these numbers before you get the final numbers. I don't know which numbers but if you are doing your job right and have a policy driven budget and strategy that must happen, the chances we got it right the first time, but everyone can speak for themselves. I want to thank everybody here; we work hard around here and will continue too and thanks for letting me say any this.

Chairman Martin followed up saying this is not set in stone, this proposed budget is going to be approved in one way or another, it amounts to this is the starting point in these negotiations and justifications will take place in public.

Carey had the last word; I will stick to the law since that is what I know best. I will advise you the next steps are the publication requirements and your staff is on top of it. Then December 10 is the final approval date for the budget.

Chairman Martin thanked everyone and unless there is other comments, everyone here has a dog fight and if you can justify in your budget then it will be approved, if not then it will not be approved. We will present a budget to the citizens of Garfield County that they can live with and afford. That's our goal and thank you very much for doing a good job.

## **ADJOURNMENT**

October 8, 2012 - \*\*\*\*\*

### **White River National Forest**

**October 09, 2012**

Those present included Chairman Martin, Commissioner Jankovsky, Commissioner Samson, County Attorney Frank Hutfless, Building and Planning Director Fred Jarman, Oil and Gas Liaison Kirby Wynn and Marian Clayton, Deputy Clerk and Recorder to the Board of County Commissioners.

Four alternatives were submitted by the Forest Service and each one was explained using colored coded maps. David Francomb from the Sopris office explained the maps and the various colors pertaining to the URFS and BLM Administration of Oil and Gas Activities in the State of Colorado. David is the primary one working on the plan and he kicked off the process. He held meetings in Silt and Carbondale last week. Handouts were given out and the information was discussed in those handouts.

Commissioner Jankovsky asked, who are the cooperating agencies.

David said Bureau of Land Management (BLM), The Department of Fish & Wildlife and the Forest Service. These lease stipulations are fairly aligned and they are consistent with these agencies. The appendix lays out the process and do not confuse leasing with automatic development in the EIS analysis. Two key components for oil and gas, White River National Forest and the second are what the stipulations on those lands are and if they are leased.

The proposed action is the White River National Forest (WRNF) completed oil and gas leasing draft environmental impact statement (DEIS) to identify lands available for oil and gas leasing and to develop stipulations to be attached to leases for protecting surface resources. The need for the EIS is necessary to respond to changing conditions since the WRNF 1993 Oil and Gas Leasing Final EIS and Record of Decision. Since 1993, information and circumstances considered for issuance of a revised Land and Resource Management Plan – 2002 Revision (Forest Plan); technological advances in oil and gas exploration and development that expand development potential of previously uneconomic resources and an increased level of projected oil and gas development activities on the WRNF.

The purpose of the proposed action is to: Ensure consistency with the Forest Plan; Ensure consistency with current applicable laws and regulations; Enable the WRNF to respond to expressions of interest for oil and gas leases; Fulfill the federal government's policy to "foster and encourage private enterprise in the development of economically sound and stable industries"; and Enable the BLM to exercise its discretionary authority to offer and issue leases on the National Forest system lands.

The details of the proposed action includes: Addressing information and circumstances that are new since the 1993 leasing decision to identify the 260,308 acres as administratively available for oil and gas leasing; Attaching No Surface Occupancy (NSO) Controlled Surface Use (CSU), and Timing Limitation (TL) lease stipulations, where needed on future leases for the purpose of protecting other resources; Changing the 1993 leasing decision to identify 1,215,777 acres as closed for oil and gas leasing through management directions; Changing the 1993 leasing decision to identify 800,555 acres as legally closed for oil and leasing and Amending the 2002 WRNF Forest Plan to incorporate the new leasing decision.

The reasonable foreseeable development and projections for the future oil and gas activity on the WRNF includes: 902-1,1004 wells; up to 179 well pads, up to 572 acres of long term well pad disturbance, and up to 486 acres of disturbance from roads, pipelines and other facilities.

The current status allows for a sixty day public comment period as in the Federal Register Friday, August 31, 2012. The next steps are upon completion of the public comment period, a response to the public comments will be prepared along with a Final EIS and Record of Decision (ROD).

Chairman Martin said that Gray Osier has been doing some work on roads and right of ways for the County.

David explained the Alternatives A, B, C and D. He explained the 2013 leases that are due to expire will get a 2-year suspension and the applications would go the BLM. He displayed on the maps those leases that will expire in 2013. Particular on the agenda were the Divide Creek, Uncle Bob Mountain, Thompson Divide Creek and the Orchard Unit.

Alternative C was the proposed action 3 years ago but now that is back for comment.

Comments due by the 30<sup>th</sup> of October.

David said the letters for an extension are due by October 30, 2012 and he has received 3 letters thus far.

The proposed action is slated for August 2013.

Chairman Martin asked if there were socio economic analysis in the plans.

David said yes, they are included in Chapter 3 and Chapter 2 summaries. The Forest Service Specialists did the analysis for the socio economic study.

**October 11, 2012  
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS  
GARFIELD COUNTY, COLORADO**

**ROLL CALL - 1:00 p.m.**

**1. 2013 Proposed Budget Presentation**

**a. Garfield County Treasurer 2013 Budget Presentation**

Georgia Chamberlain and Bob Slade presented the Treasurers budget.

Commissioner Jankovsky noticed there was a change (a drop) in the fees in a line item of \$200,000 and asked how we got this negative number. Ann explained this was the amount the Board invested with the Investment Advisory Board.

Bobs fees are down by \$20,000 and he anticipates less activity.

Georgia said she will go back to her office and provide more specifics. She doesn't want to put more into her budget than what she would expect.

Chairman Martin said to Georgia this amount shows a declining rate in fees and we would need to find out why. It could be something very obvious we are looking at.

Commissioner Jankovsky agreed that would be fabulous and when she did this to get back with Ann. He asked Ann what percentage she put in the Treasurers budget for employees performance pay raises.

Ann said she added 3% but that includes contingencies and performance raises.

Drew stated this is common under all budgets.

Chairman Martin asked if this included all the increases in health insurance.

Drew said that increases in health insurance would not be made until June.

Ann explained the Treasurer has two vacancies.

Commissioner Jankovsky said, Georgia you have savings from vacancies.

Georgia explained that she is fully staffed as this week.

Commissioner Jankovsky asked a question under Professional Services.

Georgia explained this was the investment advisor, he works on the percentage and the fee will go up for the additional investment.

Commissioner Jankovsky - That's not too bad, 10% for Cutwater to invest our funds well.

Commissioner Jankovsky - Asked if Georgia was interested in having someone do the audit for sales tax.

Georgia hasn't hired anyone for the sales tax. It is a benefit for the county but she hasn't had an opportunity to determine what the responsibilities would be. The sales tax auditor may cost or save us money. She is still researching that issue.

#### **b. Garfield County Assessor 2013 Budget Presentation**

Jim Yellico, County Assessor handed out a document and said Lisa Warder was present but he would be presenting. This is the same format that the county administration put together and he was impressed and used it for the 2013 budget.

My budget message is to invest in technology, increase efficiency and provide more for the taxpayers. In 2012, we instituted field appraiser, it eliminated an appraiser. When they go in the field to do their work they general have a day for prep, a day of field work and then a day for data input and that is to qualify things and this technology has replaced taking a computer with then when they go into the field including the camera to take the photos. It's tripling their efficiency and it gives them more time to look at each property which increases the accuracy and fewer protests and the associated costs.

Oil and Gas - we moved Neal Bartczak over to train with Sean McCourt and in doing so we eliminated a contractor. Violetta with Visual Lease Services they helped us with the appraisal for personal property. It's been a great success. Neal is helping Sean a lot and the information we are getting is great. One of the main reasons is Sean does a lot less of this with the oil and gas accountants working more together to get to the basis of valuations. So that helps us when we are trying to get pipeline information.

Commissioner Jankovsky - Your commercial appraisal is all in house now.

Jim said no, this is oil and gas. We'll get to commercial appraisals in minutes. Laze fiche was talked about with Georgia and for our office it is a little bit different, it's not just document scanning and retention, our appraisers work with these documents all of the time to do an appraisal. This saves them loads of time having to get up and go to file cabinets, refill stuff after that take it so everything would be available on their computer. There is the obvious advantage of less paper; we'll be eliminated 57 file cabinets.

Drew suggested after comments from the Commissioners that we let the procurement code make Jim a recommendation.

Jim said then there is a citizen benefit as well which we are focused on in our office to give people more access to documents without having to come in the office. The GIS reorganization structure, Rob Hykys is a paid position by IT and he works in our office and having him in our office has been great for us and has been a big change. Our plat map project we hope will be completed in 2012 or the first part of 2013 and what that is taking that huge plat map on our desk and making that a more functional map or a more interactive map on line where you can search for what you want and not have to search for township and range to find your piece of property, you can plug in an address and find it. That's a real big change for us that should be done by the end of the year.

Commissioner Jankovsky asked Jim the amount in his budget for laze fiche trying to get an idea as we go through what we are spending on laze fiche.

Jim said we had \$5000 for 2012 and he will find out what we have for 2013.

Rob changed and the map project to 2013 and making it an interactive mapping. You can plug in an address and find your property. \$5,000 in his budget for this item. Laser fiche is in the works, this is under software.

Ann said there was \$100,000 for laze fiche. We need to look at the security.

Jim said as the cost goes down when others start using it. We are very excited about having laze fiche in our office. He referenced how much he appreciates Jeff Harrell being in this office and available for all the elected officials on the second floor.

2012 reduced wages was explained by 15% Jim saying taking out Martindale Consulting, the oil and gas auditor because it's an offset, a net zero proposition where we pay then to do the audit and we receive it back in the form of revenue. What I can control are the expenses of what we're spending and buying. We reduced that by 15%. We talked about eliminating Visual Lease and bringing that function in house with Sean and Neal. Right now we have 20 people in our office and we have budgeted for 2013 for 21 people as a good goal for us. Neal is the oil and gas appraiser. The 22% reduction should have been in 2013 and just realized that. Education is a big thing for us in the Assessor's office. It helps us with COB protests, accuracy and all the way around and we were able to reduce travel by staying closer and doing some in-house classes versus sending people to spend nights in hotels etc. Other 2013 goals are we are taking out [platform from GIS from CAD to straight GIS technology for in-house and citizen use. It's a big deal for us and the way our mappers work. We are continuing to work with Value West for the commercial contractor and it was used before me and we continue to use it. It actually saves us money. Its administrative services. \$91,500 is what we pay them. This was something I brought up while campaigning but finding out more what he does, such as following cases all the way to BAA and the reputation he has here in this community he is a big asset. We are training Greg Forbes to answer questions about commercial appraisals all year but Value West is a big asset and Greg is working alongside of John of Value West. In the future there may be a goal to reduce the contract amount with Value West but not immediately. A commercial appraisal is more complicated and we don't have that expertise in-house. It's hard expertise to find in the market.

Chairman Martin noted that once someone does get that commercial rating they move on to bigger and better things in the private sector for more compensation.



Value West credibility and they are an expert witness for the Division of Taxation and investigation with Adams County on commercial appraisals. We are getting the benefit of big knowledge. In 2013 for public information I want to engage the public more offering to talk to different service clubs, taxing authorities, schools and anybody who would like to learn more about taxation. The 2013 is a new appraisal year and there is a trend to reduce the postage cost by doing a postcard versus a complete notice of valuation, we want to give people more information as this is the one time people need to know what their taxes are and where they are going to what entities. The postage raise is due every other year and we have this in the 2013 budget. As well I put some money for advertising this year. We anticipate in 2014 revenue will be down in our office and so we are focusing on more efficient customer service where property owners will only have to put in their address to access their property on line. Commissioner Jankovsky was very pleased to see a 7% decrease in his budget this year.

Drew - Commented that the four elected officials will need to have a policy driven plan to meet individual goals. We need to know what you need.

Jim said he was very happy where he is and didn't think we needed a new building for the elected in the very near future.

Jean said as to the new building, we need an adequate early voting facility in Rifle and also, I've heard the Board was thing about putting air conditioning in the Henry Building and if we are going to build soon then I think it is a waste of funds.

Commissioner Samson said we have a meeting with the City of Rifle at 10 a.m. this week at the Henry Building \_\_\_\_date. Drew thanked Jim for the office space for the IT specialist and is glad that he is helpful. The Assessor will be the first to recognize a downturn in revenue with the property tax and we are already expecting and talking with Ann we are anticipating a decrease in revenue. This is a decline in revenues we must address and through the course of all of these budget hearings we will have a policy driven strategic plan. To the Board, when this budget is completed, you will need to chose between your policies, one of them is increasing road and bridge expenditures, another is to decrease your fund balance, another is capital acquisition and capital improvements, another is reality is the savings for a rainy day is that your 4-year delay in 2007 and onto the calamity that has followed which is seen in all the foreclosures, reduction in market price and decrease in valuations picked up in 2013 due to the reassessment, so it will not be right to not identify this to all the departments in their budgets. My suggestion would be to examine capital needs and operations needs now and throughout 2013 and that would be savings through attrition, not filling positions knowing that anyone you bring on might be the one to face budget cuts. I want to be very clear that I am not forecasting any reduction in staff but with less revenue we will have to address it at some time.

Commissioner Jankovsky agrees with Mr. Gorgey assessment and how we operate in 2013 will determine to have to prepare our staff and constituents for 2014 and 2015. We have gone through four years with people dependent on the county but those just might not be available.

Drew - There is an opportunity with the four elected officials in the room but the strategic plan includes visiting you individually and hearing your policies and vision for your respective offices.

**c. Garfield County District Attorney 2013 Budget Presentation**

District Attorney Martin Beason, Lori from IT and the Assistant District Attorney Bill Brunworth presented his budget in a slide show presentation. The one thing he pointed out was that this year he plans to give him employees a 2% increase in their salaries across the board. He focused on Professionalism, the Mission Statement, Fiscal Responsibility, Information Technology, Results and the Victim/Witness Program by showing a letter from an adult and a child for the help given by this program.

Professionalism focuses on the tools and training, education, abiding by the code and he is not a Marco manager but depends upon the character and integrity of his staff to do their jobs. The results oriented office is a huge measure of success and how to survive the most dangerous individuals and how public safety depends upon the office to segregate these individuals from society. There are definitely victims in all cases and we strive to provide them services with our service, CVE and VALE from the City of Glenwood Springs.

Commissioner Samson doesn't have a problem with Martin giving his employees a 2% increase.

Martin said he has office operations in 5 locations; 4 offices and four counties Garfield, Pitkin, Meeker and we are doing cases in Rangeley by the Meeker County Attorney. He has a staff of 13 including Martin Beeson and Jeff Chaney.

Chairman Martin said we need to start looking at plea negotiations, you use that now and it may be that we have to make some tough decisions both in policy and principles to balance the budget. It is a tough decision and we are going to be faced with the economic impacts and again keeping folks hold up in Lou's hotel (jail) over there at 200 people is also an effect in reference to the general budget and a lot of them deserve to be there, but we look at can we keep them there. We'll work with you, we understand your philosophy and principles and we support those, but when reality sets in what are the other alternatives, and we have the community corrections facility, youth diversions, probation etc so you must be open to those options and we will work with you and appreciate the opportunity. The remove advisements saves money, we can work with the Meeker employees remotely and reduce the overall costs.

Commissioner Jankovsky said last year you cut one FTE.

Martin said we did but when the new court was put in 2008 we asked for two deputies, we were at a point where the deputies were handling 400 cases per year, which is twice the average case wide. We got two extra deputies, one of the felony deputies became the judge in Rifle and we've chosen not to keep that position as we are able to manage the cases we have now.

Drew reviewed the Court needs by saying we have 4 district judges, 1 full time magistrate, there are two county judges in Garfield County, 2 in Rio Blanco and 1 in Pitkin, correct?

Martin said there is only 1 in Rio Blanco and 1 in Pitkin.

Drew asked about the magistrate. Where does the 9th judicial district sit in the request for additional judicial officers?

Martin - I don't know if there is a queue and even if we're in it so the most information I have is 2008 when Judge Nichols was appointed.

Drew - The point is if there is an additional judge that squeezes our space there and Martin has a monthly meeting with the Chief Judge Boyd and the last we hear was that Judge Bender prefers judicial officers over magistrates. That's just what I've heard. Chairman Martin as long as we can keep the DA separate from the judges we are okay. Martin said my preference would be to have my people in the courthouse. Chairman Martin - I would like to have a new judicial building equipped with storage space and room for a water court. But that's in the future and up for grabs. There was talk about an elevator for the courts, DA and probation.

#### d. [Garfield County Clerk & Recorder 2013 Budget Presentation](#)

Clerk and Recorder Jean Alberico said her budget in odd years is down due to the lack of expenses in a general election. We do get a little bit of reimbursement from the state and they did raise that some to \$.80 cents a voter. We might make a couple thousand more dollars in this election. I only have the City of Rifle participating so there won't be a lot of other reimbursement for this election. The county is absorbing most of the cost for the primary and general election. I have put a lot of overtime in for staff and a lot for election judges so when I get to an odd year all that goes away and it looks pretty impressive.

Commissioner Jankovsky said even with a potential 3% increase in salaries you only have 1% in there.

Jean said she recently had a motor vehicle clerk give her notice to go work for Columbine Ford in Rifle voters leaving a vacancy in motor vehicle but I will not be filling that until the first of the year due to the election and too many things to do. Jean called attention to the budget and since turning it in, the representatives from Hart Intercivic, which is the election equipment we own for their regular visit. I will be presenting to the Board an agreement for an agenda item as what they have proposed and what we agreed to three years ago was instead of the annual three to four percent raise increase in their support, they are giving us an amount they will guarantee for three or five years and show what the savings would be. That will be a decision for the board to make. It is higher than what I put in. Also they are working with the Secretary of State's office because the operating system on our ballots for counting, etc is Windows 2000 and their proposal is to upgrade to Windows 2007 and they believe they will get the approval from the State. That upgrade would be approximately \$3,000 to \$4,000. The printer that Kathi and Marian used has been moved to Recording and it doesn't seem to be meant for that kind of use so I may have to consider putting a new printer in Recording. Marian and Kathi do copies on the copier. We hope to be offering on-line subscriptions to our users, we've had some issues with our digitizing project, everything has been done and scanned getting it uploaded because there were missing documents and we've had some problems with US Imaging working with Tyler Technology, we have it resolved and they project to have all the documents uploaded by mid-November. One thing to talk about is an agreement for users to pay a monthly fee to use our system and then get that in the works. We have a number of people who would like to do that where they

pay a set fee and then they are allowed to on line access remotely and the potential of eliminating a position in recording as there wouldn't be as many in the office.

Chairman Martin would like to continue down that path and get every road identified with all the backup material as well as work towards identifying existing mineral rights and changes and all the other things that go along with that inventory. They would be able to use your system and then reimburse for doing it and then you get so much other than what we are doing now and have access to that recording material.

Jean said we've calculated that and if we have 12 or 15 regular users or closer to 25 at \$300 a month. When our copy costs were lowered by legislation from \$1.25 per page to \$.25 cents, we lost a lot of revenue and this would be equal to or more than we had been receiving. Also something that you may have heard at CCI is that Scott Gressler, Secretary of State wants to go to a uniform voting system in Colorado. Many of the older equipment needs to be replaced and has created this issue. At first it was to be on the county's budget, but now the State has found some funds and therefore may pay for the new equipment.

Chairman Martin thinks that would be a "wait and see" for funds from the State. If it's a mandate we may end up having to pay for it.

Jean suspects even if this goes through the earliest we would see anything would be 2015 or 2016. Jean said she needed to increase a couple of line items and will get it to Ann. There are minor. Jean thinks in December she will come for a supplement.

As to Vital Records, the increase in revenue is because we have taken over Rio Blanco's death records and birth certificates as they did not have room in their office to abide by the mandate of the State's electronic system called Covis. Those records were delivered to us on Tuesday of this week. Rio Blanco asked Moffat where their mortuary is located but Moffat did not want to do it. So, they approached us and we agreed. We will be issuing permits, death certificates and birth certificates.

Drew wanted to prepare himself for the meeting on Thursday with Pitkin County and asked Jean if she has four constitutional functions such as Registrar of Vital Records, Elections, Recordings and the local arm of the Department of Revenue for Motor Vehicle titling and registration. We can and many of the counties either issue or do the full thing where they do the driver testing and everything issuing drivers licenses and some just do renewals. Jean said she had contemplated doing that in Rifle but it's very expensive because the state requires that you have three people as they split up what they do.

Drew asked if it's a Pitkin County issue and it is because they are the ones putting it on the agenda what is preventing Pitkin County from getting that designation for their clerk. Jean said absolutely nothing, the reason why I would want to do it as we have a place in Glenwood so if I were to do it, it would be in Rifle. You have a driver's license in Frisco, Glenwood and Grand Junction.

Drew said the Glenwood office is just driver's license.

Jean said they don't do testing at the Mail; it is done through private instructors. You have to take a special class and there's one in Silt and one in Glenwood. The Carbondale police office took the training and they can do testing and provide a form that says you have completed and can go get your driver's license.

Drew appreciated this information. He reported back to the Commissioners on a request to introduce the new County Attorney to all of the elected officials. We had three that we met with this morning and the Sheriff is making his entire command staff available to both the County Attorney and me.

Chairman Martin said the next step is to introduce him to the Coroner in reference to the issues and how it affects human services, child welfare etc.

Commissioner Jankovsky noted that the Coroner has a 1% decrease; the Surveyor has a 1% decrease.

Drew stated the Commissioners will need to continue this hearing until November 8 at 8:00 a.m. November 9 and November 16 at 1:00 p.m.

Ann said we will start with the Sheriff, Community Corrections, Facilities, Engineer, Landfill, Community events and Airport.

A motion was made to Chairman Martin stated we need a motion to move the November 8 hearing to 8:00 a.m.

Commissioner Samson - So moved.

MOTION

Commissioner  
Samson

SECONDER

Commissioner  
Jankovsky

VOTE

UNA by roll call vote

ADJOURNMENT

October 15 \*\*\*\*\*